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ABSTRACT

This collection represents most of the papers and programs presented at the 1979 Summer Conference on Argumentation sponsored by the Speech Communication Association and the American Forensic Association. Two keynote addresses are included along with a distributed paper on argumentation as a communication process. The other 23 papers and programs are subsumed under the following headings: argument and the law; argument: theory and criticism; and argument and forensics. Some specific topics are: analogical reasoning in legal argumentation, mass media and the study of argument, the national developmental conference on forensics, the use of evidence in value argument, and textbooks for the basic argumentation class. Also included are the program schedule of the conference and a list of the participants. (TJ)

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# PROCEEDINGS OF THE SUMMER CONFERENCE ON ARGUMENTATION

Edited by
Jack Rhodes and Sara Newell
University of Utah

Sponsored by the Speech Communication
Association and the American Forensic Association

Hosted by the University of Utah
July 26-29, 1979
Rustler Lodge, Alta, Utah

January 1, 1980

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# PREFACE

The SCA/AFA Summer Conference on Argumentation had its beginning in 1976 when Professor David Zarefsky, then chairperson of the SCA Forensics Division, appointed a planning committee to investigate the possibility of such a conference. This initiative continued under subsequent chairpersons - Donn Parson, J. Robert Cox, and David Thomas. In 1978 the University of Utah was selected as the host institution; and the American Forensic Association at that time joined the undertaking as a co-sponsor, under the leadership of AFA President Gerald Sanders. The re-organized planning committee then began its work in earnest at the Minneapolis convention of the SCA and the AFA. After several months of planning and preparation, the summer conference convened at Rustler Lodge in Alta, Utah, July 26-29, 1979.

The purpose of the conference was to bring together interested scholars from around the country to share ideas about Argumentation in three areas: Argumentation and the Law, Argumentation Theory and Criticism, and Argumentation and Forensics. During the course of the conference, most of the conferees attended at least one session in each of the three areas. Hopefully, this arrangement allowed for maximum choice between specialization and diversity of interests.

These Proceedings of the Summer Conference on Argumentation represent most of the papers and programs presented. When the paper has not been available, an asterisk in the reprint of the conference program indicates the omission. The individual papers are the property of the individual authors, reprinted here by permission.

In an undertaking of this size there are many people to thank. I would like to express my appreciation to all of the conference participants for attending and to the planning committees since 1976 who worked to make the conference a reality. Thanks are also extended to Robert N. Hall of the Speech Communication Association, Gerald Sanders of the American Forensic Association, and Malcolm O. Sillars, Dean of the College of Humanities at the University of Utah. Finally, the largest share of respect and appreciation to Sara Newell, whose organizational abilities greatly enhanced the conference itself and whose editorial care has seen these Proceedings through the press.

Jack Rhodes
Conference Director
January, 1980

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## CONFERENCE PROGRAM

## SCA/AFA SUMMER CONFERENCE ON ARGUMENTATION

Rustler Lodge
Alta, Utah

July 26-29, 1979

**Sponsors**: Speech Communication Association/American Forensic Association

**Host**: University of Utah

**Planning Committee**:

Conference Director: Jack Rhodes, University of Utah

Argument and the Law: Edmund P. Kaminski, University of New Mexico
Richard D. Rieke, University of Utah

Argument: Theory and Criticism: J. Robert Cox, University of North Carolina
Bruce E. Gronbeck, University of Iowa

Argument and Forensics: Jack Rhodes, University of Utah
David Thomas, Auburn University

For the American Forensic Association:
Gerald Sanders, President, College of Wooster

For the Speech Communication Association:
Robert N. Hall, Associate Executive Secretary

**Local Arrangements**: Sara Newell, University of Utah
John McKiernan, University of Utah
Tawni Feller, Rustler Lodge
Suzanne Larson, Humboldt State University

THURSDAY, JULY 26, 1979:

3:30 PM to 5:30 PM -- OPENING GENERAL SESSION

Welcome, Malcolm O. Sillars, Dean
College of Humanities
University of Utah

Conference Overview, Jack Rhodes, Director

*"Argument and the Law," W. Scott Nobles
Macalester College

"From Argument to Argumentation: Fifteen Years of Identity Crisis," Bruce E. Gronbeck
University of Iowa

"Argument and Forensics," David Zarefsky
Northwestern University

FRIDAY, JULY 27, 1979:

LAW: 9:00 AM to 12:00 noon -- "Communication and the Law: An In-Depth Workshop"

Carl Moore, Kent State University

2:00 PM to 3:20 PM -- "Workshop" continues

3:30 PM to 5:00 PM -- "Legal Argumentation and Advocacy: A Panel"

Carl Moore, Kent State University
*W. Scott Nobles, Macalester College
*Richard D. Rieke, University of Uta

THEORY AND CRITICISM:

9:00 AM to 12:00 noon -- +"Criticism of Argument: The State of the Art"

*Bruce E. Gronbeck, U of Iowa
*J. Robert Cox, U of N. Carolina
Michael McGee, U of Iowa
Herbert Simons, Temple U
Robert P. Newman, U of Pittsburgh
Philip C. Wander, San Jose State U

*A paper was not presented for the Proceedings

+Papers presented in this session provided the focus for the workshops conducted later in the conference by their respective authors (Workshops designated +).

2:00 PM to 5:00 PM -- Two Simultaneous Workshops

+"Argumentation and Culture-Building"
Michael McGee, University of Iowa

+"Argumentation in Science"
Herbert Simons, Temple University

### FORENSICS:

9:00 AM to 12:00 noon--"The Sedalia Conference: Five Years Later"

George W. Ziegelmueller, Wayne State U
*V. William Balthrop, U of N Carolina
David A. Thomas, Auburn U
Jack Rhodes, U of Utah

2:00 PM to 3:20 PM --"The Nature of Evidence: Three Papers"

Chair: Robert P. Newman, U of Pittsburgh
Charles Arthur Willard, Dartmouth C
Marilyn Young, Florida State U
Sara E. Newell, U of Utah

3:40 PM to 5:00 PM --"The Liberal and the Conservative Presumption: On Political Philosophy and the Foundations of Public Argument"

G. Thomas Goodnight, Northwestern U

Response: Thomas Hynes, U of Louisville

### SATURDAY, JULY 28, 1979:

### LAW:

9:00 AM to 10:20 AM -- Contributed Papers in Legal Argumentation

"Analogical Reasoning in Legal Argumentation

William Benoit, Wayne State U and
John France, Owens-Illinois, Inc., Toledo

"Theoretical Hurdles for the Advocate in Rape Trials"

Ralph Towne and Steven M. Weiss,
Temple University

2:00 PM to 3:20 PM --*"Legal Concepts and the Questions of Fact, Value, and Policy"

Sharla J. Barber, U of S Florida
Nancy Lynch Street, U of Colorado

3:30 PM to 5:30 PM --*"Teaching Legal Argumentation: The Role of Speech Communication Teachers -- A Panel"

Chair: Gerald Sanders, College of Wooster
M. Jack Parker, Northern Illinois U
W. Scott Nobles, Macalester C
Gerald Crawford, Attorney, Des Moines, Iowa

THEORY AND CRITICISM:

8:30 AM to 10:45 AM --"The Theory of Argument: A Symposium"

J. Robert Cox, U of N Carolina
Joseph W. Wenzel, U of Illinois-Urbana
Charles Arthur Willard, Dartmouth C
V. William Balthrop, U of N Carolina
Ray E. McKerrow, U of Maine-Orono
David Zarefsky, Northwestern U

2:00 PM to 5:00 PM -- Two Simultaneous Workshops

+"Argumentation in Foreign Policy Deliberations"
Robert P. Newman, U of Pittsburgh

+"Argumentation in Television's 'Social Reality'"
Philip C. Wander, San Jose State U

FORENSICS:

2:00 PM to 3:20 PM -- "Some Questions about Toulmin's View of Argument"

Charles Arthur Willard, Dartmouth
Response: Ray E. McKerrow, U of Maine-Orono

3:40 PM to 5:00 PM -- "The Textbooks for the Basic Argumentation Class: An Exchange with the Authors"

Austin J. Freeley, John Carroll U
*George W. Ziegelmueller, Wayne State U
*Malcolm Sillars, U of Utah

GENERAL SESSION:

11:00 AM -- *"Argument and the Law: A Personal Perspective"
Former Utah Governor Calvin L. Rampton

# PARTICIPANTS
# SCA/AFA SUMMER CONFERENCE ON ARGUMENTATION

DENNIS ALEXANDER, University of Utah
BILL BALTHROP, University of N. Carolina at Chapel Hill
SHARLA BARBER, University of S. Florida
WILLIAM BENOIT, Wayne State University
EMIL BOHN, Utah State University
GUERIN BUTTERWORTH, Cal State Fullerton
WAYNE CALLAWAY, University of Wyoming
JEAN CORNELL, Davidson College
J. ROBERT COX, University of N. Carolina at Chapel Hill
BARNEY COYLE, Cal State Northridge
GERALD CRAWFORD, Attorney, Des Moines, Iowa
AUSTIN J. FREELEY, John Carroll University
PATRICIA GANER, University of Utah
THOMAS GOODNIGHT, Northwestern University
BRUCE GRONBECK, University of Iowa
LARRY HAAPANEN, Utah State University
ROBERT HALL, SCA
COLAN T. HANSON, North Dakota State University
STEVE HUNT, Lewis and Clark College
TIM HYNES, University of Louisville
ANITA C. JAMES, Ohio University
CHALRES W. KNEUPPER, University of Texas at San Antonio
LARRY LAMBERT, University of Utah
BRUCE LANDIS, Kent State University
SUZANNE LARSON, Humbolt State
TOM McCLAIN, New Trier East High School
MICHAEL McGEE, University of Iowa
RAY E. McKERROW, University of Maine
JOHN McKIERNAN, University of Utah
FRANK MITCHELL, Wake Forest University
CARL MOORE, Kent State University
LINDA MOORE, University of Akron
SARA NEWELL, University of Utah
ROBERT P. NEWMAN, University of Pittsburgh
W. SCOTT NOBLES, Macalester College
M. JACK PARKER, Northern Illinois University
SHARON PORTER, Mississippi University for Women
JOHN W. POWERS, Texas A & M University
JOHN C. REINARD, Arizona State University
JACK RHODES, University of Utah
LARRY RICHARDSON, Western Washington State University
RICHARD RIEKE, University of Utah
GERALD SANDERS, The College of Wooster

MALCOLM SILLARS, University of Utah
HERBERT SIMONS, Temple University
RICHARD F. SOMER, Hamilton College
NANCY STREET, University of Colorado at Boulder
DAVID A. THOMAS, Auburn University
RALPH TOWNE, Temple University
JANET M. VASILIUS, Macalester College
PHIL WANDER, San Jose State University
JAMES F. WEAVER, Iowa State University
STEVEN WEISS, Temple University
JOSEPH W. WENZEL, University of Illinois
CHARLES ARTHUR WILLARD, Dartmouth College
MARILYN YOUNG, Florida State University
DAVID ZAREFSKY, Northwestern University
GEORGE ZIEGELMUELLER, Wayne State University

## KEYNOTE ADDRESSES

# FROM ARGUMENT TO ARGUMENTATION: FIFTEEN YEARS OF IDENTITY CRISES

Bruce E. Gronbeck
University of Iowa

Let me begin this evening by dropping back fifteen years. I was a carefree graduate student, convinced beyond doubt that the field of argumentation needed my mouth, my wit, and my good sense, probably in that order. In 1964, those people who called themselves debate coaches and scholars of forensics were aswirl in exciting-but-controlled controversies. Ehninger and Brockriede had just brought out *Decision by Debate*, urging that debate ought to be viewed as a method of problem-solving and not just a game, that "proof" should be understood not abstractly but as proof *to* and *for* real people, and that Stephen Toulmin's scheme for laying out arguments was both pedagogically and strategically sound.

In 1964, the theory of argumentation was being expanded by two other traditions as well. Social scientists were beginning to get in the act, with my fellow graduate student Gary Cronkhite firing an early shot. In his attack on the classic persuasion-conviction dichotomy, he was unshakably convinced he had methematically and experimentally demonstrated the connection between logical structures and motivational appeals through a theory of concept association. And, in that same year, two of my doctoral professors, Donald Bryant and Douglas Rhninger, returned from a conference at Pennsylvania State University, urging us to read with considerable care articles from two upstart philosophers, Maurice Natanson and Henry W. Johnstone, Jr. Natanson spent that conference running on about the 'self' which risks its well-being in argument, and Johnstone had produced a somewhat naive but provocative piece on the relevance of rhetoric to philosophy and philosophy to rhetoric.[1]

In other words, although the great textbooks in argumentation and debate by Freeley, Kruger, Mills, Potter, and others[2] still held center court in their essential defense of highly rationalistic theories of argumentation, pyschologism, phenomenology, and post-positivist philosophy were getting into the game.

The criticism of argumentation as a field likewise was being opened up. Edwin Black's 1965 assault on neo-Aristotelianism was primarily an attack upon critics who blithely charted logical, emotional, and ethical appeals, who, in other words, mechanically took apart units-of-proof. In their place, he urged us to examine what he termed argumentative incapatibility, clusters of opinion, and universes-of-discourse created by stylistic maneuvers. Gone were diagrams of arguments; in came essentially content analyses of linquistic choices apparent in enthymematic discourse. A second call-for-change among critics was sounded by Leland Griffin in 1964. He showed us how to analyze the argumentative foundations and subsequent exchanges between "pro" and "anti" rhetoricians in his hauntingly predictive study of the "New Left." He encouraged us to examine, not just argument*s*, but the entire historical-cultural processes of argument*ation*. Griffin's call for a process view was echoed by a member of this audience; Malcolm Sillars insisted that we view individual speeches as acts, more specifically, as a series of acts occurring within a determinative social-cultural setting.[3]

Again, then, although Thonssen and Baird still was the bible for critics learning how to analyze closely argumentative discourse,[4] the demand that we move from "arguments" to "argumentation" was forceably before us. Both theory and criticism, as I sat in the basement of Schaeffer Hall in Iowa City during 1964-65, were being driven out of the tabulation room and into the worlds of human affairs and academic reification. Although we did not really know it then, what we were witnessing was the beginning of a full-fledged assault upon a seventy-five year tradition of conceptualization.

In this mini-keynote tonight, I want to review some of the weapons which have been used in mounting that assault. Pulling together some of the "new" perspectives and exhortations undoubtedly will produce, in my brief time here, a dizzying maelstrom of Kafkaesque nightmares and bareboned "-isms" and "-ologies." That is the point, really: As we have attempted to specify and operationalize in some little completeness the concept "argumentation" understood as an intrapersonal, interpersonal, inter-group, and intercultural process of mutual influence and decision-making, we have experienced a good deal of frustation and confusion. We have experienced a successively deepening set of identity crises. I will not pretend to solve those afflictions tonight. But, I will review the genesis of our manic depression and neuroses, and attempt to isolate a few pivotal fears which must be worked out before the field of argumentation will achieve mental health.

## Theory of Argumentation: Manic Depression

Let me begin by noting some instances of manic depression among philosophers of argumentation. In the mid-60s, some of the traditional joints between argumentation and rationality became unglued. In 1966, David Shepard attacked the utility of deductive and inductive logic as an instrument for understanding policy debates. In 1967, Ray Lynn Anderson and C. David Mortensen disparaged strict formal logic's ability to comprehend the usual connectives among argumentative propositions in everyday or marketplace discourse. In 1968, Parke Burgess won an SCA Monograph Award for berating our misunderstanding -- and hence misanalysis -- of the deeply moral, illogical bases of contemporary social-political conflict. And, in 1969 James McBath and Walter Fisher hammered away at the notion that political argumentation is not really substantive at all, but rather an exercise in image-building.[5]

Worse, real-live philosophers questioned the traditionally understood relationships between argumentation and rationality. Natanson and Johnstone's Philosophy, Rhetoric, and Argumentation (1966) demanded that we deal with the seeming irrationality of everyday argumentation and with the existential personness of arguers. The 1969 English edition of Perelman and Olbrechts-Tyteca's The New Rhetoric had much the same force, basing its theory of adherence and discussion of argumentative techniques upon personal belief and only "quasi-logical" connectives. The severest attacks, however, came from an aggressive new breed of symbolists, dramatists, and sociolinguists, culminating in what we are calling constructivists. In roughly the last seven or eight years, we have been told that all communication -- including argumentation - is dramatistic or at least interactional, that reality is socially or interpersonally constructed, and that units-of-discourse "smaller" than propositions control our lives.[6]

Now, just stop for a moment to consider what happens as one asserts those last three statements. Traditional studies of argumentation were based on a positivist paradigm. A good positivist works from two inviolable standards - a formal logic and an experiential analysis of propositional content. These two assumptions demand that theorists of argumentation focus on mathematically derivable connectives for standards of validity, and on operationally verifiable statements for standards of truth.

The new "-isms" and "ologies" stridently challenge those assumptions. To them, standards of validity are not to be found in the good old logical words -- "all," "none," "some," and "some are not" -- or in Aristotle's Square of Opposition,[7] but in community standards for language usage and in context-determined rules for interpresonal relations. Validity to the linguist is a matter of verbal competency, and, to the humanistic sociologist, a matter of social competency. Further, truth is not to be found in either universally accepted maxims or in propositions whose force can be ascertained through inductive and deductive proofs and a look at evidence, but in a society's perception of itself and in individuals' relationships with each other. Truth to the phenomenologist is intrapersonally and interpersonally constructed, and, to the ethnomethodologist, is imbedded in a series of perception - and behavior-controlling myths or fantasies.[8]

Fundamentally, therefore, theory of argumentation over the last fifteen years has been viewed by the new prophets as a poetic rather than a logical enterprise. We have been asked to see arguers as actors -- even "lovers"[9] -- role-types who write and play out scripts within a quasi-poetic or myth-governed universe. Any arguer-lover-actor who wishes to triumph must understand and employ the culture's mythoi, and must adhere to the procedures for proper human relations, in oder to be judged competent to lead, to advise, to persuade via arguing. The traditional theory of argumentation has been successively buffetted by psychologism, phenomenology, dramatism, humanism, and, now, constructivism -- poeticizing our vision of what we are about.

As a result, I think, we have been left in a state of manic depression. On the one hand, we are fascinated by new claims that rhetoric and argumentation are what makes society and human relations possible at all, by our newfound ability to deal with what Cicero termed argumentato rather than mere argumenti, and by our warm affinity for scholars in fields other than logic or history. Yet, on the other hand, we are occasionally driven to the depths or despair in the knowledge that our old machinery for arguing and speaking is no longer applicable. If intersubjective standards for validity and truth are embraced, then we must abandon old appeals to logic and externalized criteria-of-judgment. The new rationality may be, to some, a rule-governed system, but those systems are context- or even person-determined, and hence we continually must begin anew, constructing systems of evidence and proof context by context. We must live with Gerry Philipsen in Teamsterville, and follow along when Charles Willard sings the praises of contextual analysis. Given that we are surrounded with a near infinite number of contexts, we are liable to go crazy examining the argumentative rules governing science, law, south Chicago, and used car lots. No wonder we suffer manic depression when pondering current theories of argumentation.[10]

## Criticism of Argumentation: Neuroses

If contemporary theories of argumentation can make us manic, current approaches to the criticism of argumentation are calculated to make us absolutely neurotic. As I argued in a 1972 JAFA article, most of us came into the field of argumentation via historical-critical dissertations analyzing arguments-that-mattered in some usually political context. Our studies of classical oratory and confrontations depended in large measure upon the careful isolation of *topoi*, reasoning and organizational patterns, use of evidence -- in a phrase, of what we so simply called "logical appeals." What most of us were doing in those studies was analyzing argument*s*, that is, discrete units of discourse, with a "unit" understood as premise-plus-assertion-plus-evidence-plus-conclusion. Then we would append a few remarks about common ground, the valuative or emotive appeal those units must have had for members of the decision-making group, and perhaps a word or two about the short-circuiting of reasoning. In other words, we in the name of criticism did essentially ideological analyses of argument.

But, as we all know, both God and ideology died somewhere in the mid-60s. The assassins were legion. Following Black's book, the next major assault came from the New Orleans Conference of 1968, whose deliberations were published the next year as *Conceptual Frontiers in Speech-Communication*. It urged the scientizing of rhetorical criticism, oral interpretation, and theatre, among other things, and demanded that we deal with all forms of symbolic interactions.[11] Two years later, *The Prospect of Rhetoric* published by the Wingspread Conference went much farther, telling critics to "broaden [their] scope to examine the full range of rhetorical transactions; that is, informal conversations, group settings, public settings, mass media messages, picketing, sloganeering, chanting, singing, marching, gesturing, ritual, institutional and cultural symbols, cross cultural transactions, and so forth," and to "undertake the examination of the rhetoric of such areas of study as sociology, political science, psychology, anthropology, English, history, education, speech, and so forth."[12] Those two "and so forths" literally blew our cannons of criticism to smithereens.

To be sure, many of us doggedly went on analyzing argument*s*, but the call to non-ideological discipleship could not be denied. Ernest Bormann pushed fantasy theme analysis as a way of dealing with competing visions of society embedded in discourse. Articles treating the "argumentation" in popular songs, sit-ins, flag-burnings, popular magazines, sitcoms, and operas were printed with respectable regularity. The message of constructivist criticism was preached by even such faithful AFA members as Charles Arthur Willard.[13]

The symbolic-constructivist paradigm was destroying our positivist methodological machinery. Premises could no longer be conceived of as ideological statements; rather, they were seen as narrative-based myths. Arguments came to be seen as value-ladden myths or fictions or themes. Evidence was construed as the associations any given auditor could make with a particular statement. And proof could be understood only as the use to which any given listener might put a statement. Overall, argumentation came to be seen as a process of attaching any symbol to literally any other symbol so as to produce any sort of perceptual, attitudinal, or actuative change. *As long as we could call a symbolic manipulation "strategic," we were willing to term it argumentative*.

Among critics of argumentation, consequently, there arose a neurotic malaise. We, indeed, almost dared not publish an analysis of propositions and evidence, for fear of being charged with inaccurate translation, mere descriptiveness, and contextual insensivity. For fear of, in Willard's words, leaving out the "paralinguistic, kinesic, and proxemic cues [which] can and do modify the meanings of propositions,"[14] we willingly allowed our critical selves to be declared clinically certifiable neurotics, patients damned to a life of scholarly inaction. Rather than simplify and distort the world of human affairs, we more or less decided, let us instead abandon all attempts to deal with the process of public argumentation on any but essentially poetic grounds. We found ourselves sitting in the cell next to our old rationalistic theorists of argument.

## Conclusions: Directions for Mental Health

Now, I suppose I can be accused of an occasional hyperbole in this review of the theory and criticism of argument, and I know I have left out a good many forays along the way, but if I have been overly dramatic and sketchy, it is only because the entire field is. Further, anyone who has read my writing over the last few years knows I personally embrace some of the positions I have tonight exaggerated. Neither my intentional *reductiones ad absurdum* nor my idiosyncratic shortcomings, however, really blunt the force of the preceding analysis. We *are* in a state of turmoil. We *are* in danger of collapsing time-honored distinctions between "rhetoric" and "argumentation," between "argumentation" and "poetics" -- between private musing and public decision-making processes. In throwing out positivism and prescription and in embracing an elastic concept of communication and mere description, we have transmuted our self-concepts. Our sense of distinctiveness may be gone. The plea of the rich ruler from the New Testament -- "What must I do to be saved?" -- is upon our lips.

While I have no nostrums to offer, I can suggest three issues which must be confronted directly before we once again are happy with ourselves.

1. *We must reassert and operationalize distinctions between "argumentation" and "arguments," even between "argument" and "arguing."* In his declaration *Argumentatio est explicatio argumenti*, Cicero firmly distinguished between the essentially public, tradition-governed process of bringing forward proofs and the essentially private, personalized ways for building units-of-inference, in order to separate that which is expected in public from that which creatively goes on in private. O'Keefe writing before Willard and Burleson writing after him similarly have attempted to maintain such a distinction,[15] although as Willard has noted in response, the separation at times is nearly impossible to maintain. Yet, without the distinction, we fall into the traps which plague ethnomethodologists and other researchers preaching participant-observation and intuitively descriptive linguistic analyses of discourse: (a) How can we specify the rules of communicative interaction without getting hopelessly locked into a *petitio principii*? And (b), if all communication is undeniably subjective and meaningful only to the actual participants, how can any theorist or critic of argumentation get far enough outside the process to analyze it? If, in other words, we are to follow the ethnomethodologists into conversational analysis, like them we must grapple with distinctions between private strategies governing individual units or phases of attack and defense on the one hand, and the general, public flow of the whole exchange on the other. Only in this way can we discover the ways in which idiosyncratic modes of thought and justification are transformed and

molded into public expressions of facts, values, and policies. If distinctions among "argumentation," "argument," "arguments," and "arguing" fall by the wayside, so too does any notion of publicness.

2. We must grapple explicitly with the issues which made George Herbert Mead a great social philosopher -- the relationships among "mind," "self," and "society."[16] As I read Jesse Delia or Charles Willard, I see clever attempts to discuss "mind" and "self," but frankly floundering efforts to deal with "society." In a time especially when cultural analyses of collectivities are waxing, that is too bad. It always has been some conception of "society" and "social standards" which has allowed us to talk about generalized rationality, about inviolable rules governing argumentation, and about procedures for evaluating argumentative effectiveness and ethics. Cultural arbiters of argumentative effectiveness, reasonableness, and ethics sometimes have taken the form of an Ideal Mind; sometimes, the Church; sometimes, the constitutive rules of language-use; sometimes, fact-based science. Whatever the form, some notion of "society" or "authority" or "culture" has been posited in order to give us an externalized court of appeal -- an objectivated judge of rationality, truth, and order. Without such judges, argumentation becomes wholly indistinguishable from, say, dialectic, persuasion, and even art. We must return to social philosophy to find an operable notion of "society"-as-arbiter in order to separate the sensing mind from language as the public medium of communication, and in order to reaffirm the importance of procedural, substantive, and social rules within argumentative enterprises. Without firm distinctions and a sense of social power or authority, all of our speculations degenerate into mere particularization and the age-old death trap of psychologism.[17]

3. And, perhaps most obviously, we must identify and promote a workable relationship between the theory and the criticism of argumentation. As I look over journal articles, I am impressed -- and somewhat frightened -- by the fact that the theorists and the critics of argument, for the most part, represent two distinct communities of scholarship. Only in rare instances is the same person both a theorist and critic. Theorists of argument have become evangelical perspectivists, filling their prose with exhortations concerning proper critical attitudes, demands that critics begin working on intersubjective rather than objectified rules-of-inference, and panegyrics on the virtues of conversational analysis of arguing.

Now, consider the plight of the poor critic: Critics who want to live up to such guidelines are expected to mystically isolate arguers' "real" intents, to ferret out all of the possible "meanings" a participant might have assigned to an argument, and to unearth unspoken "rules" governing a particular argumentative exchange. Stripped of any concept of objective reality, of externalized rules-of-inference, and of social rules, critics must muddle along, hoping against hope they won't objectify too much, simplify naively, translate inaccurately, or generalize beyond a single context. Unless theorists are willing to transform their exhortations into behavioral-procedural constructs which conform to real-world discoursing, or unless critics are willing to join in theoretical activities, the current gulf between theory and criticism will widen. And if it does, a good many of us will fall into the pit -- or take up a less frustrating occupation such as textbook writing.

Unless, in conclusion, we disambiguate our vocabulary, restore a sense of "publicness" into our speculations concerning argumentation, and reunite theorists and critics, we all will continue to dwell in the booby hatch. Even in the face of the attractive cases forwarded by social constructers of reality, by phenomenologists, by cognitive sociologists, and by constructivists, we must recognize with Goethe that "It is not given to us to grasp the truth. . . . We perceive it only in reflection, in example and symbol, in singular and related experiences. It meets us as a kind of life which is incomprehensible to us, and yet we cannot free ourselves from the desire to comprehend it."[18]

It is that desire to comprehend which, ultimately, we must not abandon if we are to maintain the theory and criticism of argumentation. Without the desire, we are relegated to the asylum.

## NOTES

[1] Douglas Ehninger and Wayne Brockiede, *Decision by Debate* (New York: Dodd, Mead, and Co., 1963), *passim*. Gary Lynn Cronkhite, "Logic, Emotion, and the Paradigm of Persuasion," *QJS*, 50 (Feb. 1964), 13-18. (Although the scientizing of the study of argumentation, especially inferential processes, has been a fascinating development in our literature, I will forego analysis of it in this essay, given my focus. A valuable review of several studies, however, can be found in Gerald R. Miller, "Some Factors Influencing Judgments of the Logical Validity of Arguments: A Research Review," *QJS*, 55 [Oct. 1969], 276-286. Those wishing to see a recent social-scientific study of argumentation-as-process should examine J. Robert Cox, "Deliberation Under Uncertainty: A Game Simulation of Oral Argumentation in Decision-Making," *JAFA*, 14 [Fall 1977], 61-72.) Natanson's essays may be found in n. 6, below. Johnstone's lecture was later published as "The Relevance of Rhetoric to Philosophy and of Philosophy to Rhetoric," *QJS*, 52 (Feb. 1966), 41-46. Many of the positions advanced in these and similar articles were semi-canonized in Gerald R. Miller and Thomas R. Nilsen, eds., *Perspectives on Argumentation* (Chicago: Scott, Foresman and Co., 1966).

[2] Austin J. Freeley, *Argumentation and Debate* (Belmont, Ca.: Wadsworth Pub. Co., Inc., 1961); Arthur N. Kruger, *Modern Debate: Its Logic and Strategy* (New York: McGraw-Hill Book Co., Inc., 1960), probably the most purely rationalistic of the group; Glen E. Mills, *Reason in Controversy*, 2nd ed. (Boston: Allyn and Bacon, 1968); David Potter, ed., *Argumentation and Debate: Principles and Practices* (under the auspices of Tau Kappa Alpha; New York: Dryden Press, 1954). One might also include, although it is more akin to Ehninger and Brockriede, Russel R. Windes and Arthur Hastings, *Argumentation and Advocacy* (New York: Random House, 1965).

[3] Edwin Black, *Rhetorical Criticism; A Study in Method* (Macmillan Co., 1965), esp. Chaps. 4 and 6. Leland M. Griffin, "The Rhetorical Structure of the 'New Left' Movement: Part I," *QJS*, 50 (April 1964), 113-135. Malcolm O. Sillars, "Rhetoric as Act," *QJS*, 50 (Oct. 1964), 277-284.

[4] Lester Thonssen and A. Craig Baird, *Speech Criticism; The Development of Standards for Rhetorical Appraisal* (New York: The Ronald Press Co., 1948).

[5] David W. Shephard, "Rhetoric and Formal Argument," *WS*, 30 (Fall 1966), 241-247. Ray Lynn Anderson and C. David Mortensen, "Logic and Marketplace Argumentation," *QJS*, 53 (April 1967), 143-151. (These pieces were assaulted in Glen E. Mills and Hugh G. Petrie, "The Role of Logic in Rhetoric," *QJS*, 54 [Oct. 1968], 260-267.) Parke G. Burgess, "The Rhetoric of Black Power: A Moral Demand?", *QJS*, 54

(April 1968), 122-133. James H. McBath and Walter R. Fisher, "Persuasion in Presidential Campaign Communication," *QJS*, 55 (Feb. 1969), 17-25.

[6] Maurice Natanson and Henry W. Johnstone, Jr., eds., *Philosophy, Rhetoric, and Argumentation* (University Park: Penn. State Univ. Press, 1965). Chaim Perelman and Lucie Olbrechts-Tyteca, *The New Rhetoric; A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (1958; Notre Dame, In.: Univ. of Notre Dame Press, 1969).

The "-isms" and "-ologies" I list here, of course, could be expanded. Among those relevant to this essay, however, are the following: *Dramatism/Dramaturgy*--the works of Kenneth Burke, Erving Goffman, and Hugh D. Duncan; the pieces in James E. Combs and Michael W. Mansfield, eds., *Drama in Life; The Uses of Communication in Society* (Communication Arts Books; New York: Hastings House, 1976). *Ethnography*--e.g. Dell H. Hymes, "The Ethnography of Speaking," in *Anthropology and Human Behavior*, ed. Thomas Gladwin and William C. Sturtevant (Washington, D.C.: Anthropological Society of Washington, 1962), pp. 13-53; Mary Douglas, ed., *Rules & Meanings: The Anthropology of Everyday Knowledge* (Baltimore: Penguin, 1973); or Richard Bauman and Joel Sherzer, eds., *Explorations in the Ethnography of Speaking* (London: Cambridge Univ. Press, 1974). *Cognitive Sociology*--esp. the writings of its principal exponent, Aaron V. Cicourel, *Cognitive Sociology: Language and Meaning in Social Interaction* (Baltimore: Penguin, 1973). *Sociolinguistics*--e.g. Samir K. Ghosh, ed., *Man, Language and Society* (The Hague: Mouton, 1972), or Joshua A. Fishman, ed., *Readings in the Sociology of Language* (The Hague: Mouton, 1968). *Ethnomethodology*--esp. its "father," Harold Garfinkel, "Conditions of Successful Degradation Ceremonies," *American Journal of Sociology*, 61 (1955-56), 420-424, and his *Studies in Ethnomethodology* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1967); and also Roy Turner, ed., *Ethnomethodology* (Baltimore: Penguin Books, 1974). *Constructivism*--at the level of "society," Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality* (Garden City, N.Y.: Doubleday, 1966), or John P. Hewitt, *Self and Society* (Boston: Allyn and Bacon, 1976); at the level of the "self" and "others," the pieces flowing through our journals are near legion, although for solid reviews see C. Jack Orr, "How Shall We Say: 'Reality is Socially Constructed Through Communication?'", *CSSJ*, 29 (Winter 1978), 263-274, and Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," *JAFA*, 14 (Winter 1978), 121-140. For an interesting critique of these and some few other "-isms" and "-ologies" currently in vogue, see Howard Schwartz and Jerry Jacobs, *Qualitative Sociology: A Method to the Madness* (New York: The Free Press, 1979).

[7] The traditionist position is developed clearly in Irving J. Copi, *Introduction to Logic* (New York: The Macmillan Co., 1961), esp. Chaps. 5 and 6.

[8] For a "communicational" analysis of linguistic competency, see Noam Chomsky, *Cartesian Linguistics: A Chapter in the History of Rationalist Thought* (New York: Harper and Row, 1966), or Raymond D. Gumb, *Rule-Governed Linguistic Behavior* (The Hague: Mouton, 1972), esp. pp. 11-53. On social competency and communication, see Charles K. Warriner, *The Emergence of Society* (Dorsey series in Anthropology and Sociology; Homewood, Ill.: The Dorsey Press, 1970), esp. Chaps. 2, 3, and 5. The phenomenologist's position is artfully undergirded in Alfred Schutz and Thomas Luckmann, *The Structures of the Life-World*, trans. Richard M. Zaner and H. Tristram Engelhardt, Jr. (Evanston: Northwestern Univ. Press, 1973). Among Garfinkel's works, this issue is probably best addressed in Harold Garfinkel and Harvey Sacks, "The Formal Properties of Practical Actions," in *Theoretical Sociology*, ed. John C. McKinney and Edward A. Tiryakian (New York: Appleton-Century-Crofts, 1970).

Even some of the rationalists or formalists are responding to some of these forays. A newly developing field is termed "practical reasoning" (discussed generally in Schwartz and Jacobs, pp. 211-224). That practicality can become outrightly pragmatic, as in Nicholas Capaldi, *The Art of Deception* (Buffalo: Prometheus Books, 1971), or it retains some of its formality, as in Stephen Toulmin, Richard Rieke, and Allan Janik, *An Introduction to Reasoning* (New York: Macmillan Pub. Co., Inc., 1979).

[9] Wayne Brockriede, "Arguers as Lovers," *Philsophy and Rhetoric*, 5 (Winter 1972), 1-11. The foundation for a full-blown "dramatistic" theory of argumentation can be found in Ernest G. Bormann, "Fantasy and Rhetorical Vision: The Rhetorical Criticism of Social Reality," *QJS*, 58 (Dec. 1972), 396-407. Since this article, numerous studies have followed in its wake; a complete listing can be acquired from Professor Bormann (Univ. of Minn.--Minneapolis). To see fantasy theme analysis applied to traditional argumentative discourse, see especially the October 1977 issue of *QJS* (vol. 63). A more general view of "dramaturgy" and political argumentation is offered in Bruce E. Gronbeck, "The Rhetoric of Political Corruption: Sociolinguistic, Dialectical, and Ceremonial Processes," *QJS*, 64 (April 1978), 155-172, and in "The Functions of Presidential Campaigning," *CM*, 45 (Nov. 1978), 267-280. The widest "rhetorical" view of dramatism and conflict, however, perhaps is Leland M. Griffin, "A Dramatistic Theory of the Rhetoric of Movements," in *Critical Responses to Kenneth Burke*, ed. William H. Rueckert (Minneapolis: Univ. of Minn. Press, 1969), pp. 456-478.

[10] Gerry Philipsen, "Speaking 'Like a Man' in Teamsterville: Cultural Patterns of Role Enactment in an Urban Neighborhood," *QJS*, 61 (Feb. 1975), 13-22, and his "Places for Speaking in

Teamsterville," *QJS*, 62 (Feb. 1976), 15-25. For pieces by Willard, see n. 13.

[11] Robert J. Kibler and Larry L. Barker, eds., *Conceptual Frontiers in Speech-Communication; Report of the New Orleans Conference on Research and Instructional Development* (New York: Speech Assoc. of America, 1969), esp. pp. 21-23.

[12] Lloyd F. Bitzer and Edwin Black, eds., *The Prospect of Rhetoric; Report on the National Developmental Project* (sponsored by the Speech Communication Association; Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1971), esp. pp. 225, 226.

[13] For Bormann, see n. 9. Exemplar pieces of criticism include: Stephen Kosokoff and Carl W. Carmichael, "The Rhetoric of Protest: Song, Speech, and Attitude Change," *SSCJ*, 35 (Summer 1970), 295-302; Allen H. Merriam, "Symbolic Action in India: Gandhi's Nonverbal Persuasion," *QJS*, 61 (Oct. 1965), 290-306; G. P. Mohrmann and F. Eugene Scott, "Popular Music and World War II: The Rhetoric of Continuation," *QJS*, 62 (April 1976), 145-156; Cheryl Irwin Thomas, "'Look What They've Done To My Song, Ma': The Persuasiveness of Song," *SSCJ*, 39 (Spring 1974), 4-11; Robert J. Doolittle, "Riots as Symbolic: A Criticism and Approach," *CSSJ*, 27 (Winter 1976), 310-317; Richard J. Goodman and William I. Gorden, "The Rhetoric of Desecration," *QJS*, 57 (Feb. 1971), 23-31; William Brown, "The Prime-Time Television Environment and Emerging Rhetorical Visions," *QJS*, 62 (Dec. 1976), 389-399; Virginia Kidd, "Happily Ever After and Other Relationship Styles: Advice on Interpersonal Relations in Popular Magazines, 1951-1973," *QJS*, 61 (Feb. 1975), 31-39; Kathleen J. Turner, "Comic Strips: A Rhetorical Perspective," *CSSJ*, 28 (Spring 1977), 24-35; James R. Irvine and Walter G. Kirkpatrick, "The Musical Form in Rhetorical Exchange: Theoretical Considerations," *QJS*, 58 (Oct. 1972), 272-284, especially as exemplified critically in Thomas J. Cowan, "The Rhetorical Implications of '*La battaglia di Legnano*,'" unpub. M.A. thesis, Colo. State Univ., 1977; James W. Chesebro and Caroline D. Hamsher, "Communication, Values, and Popular Television Series," and Philip Wander, "Counters in the Social Drama: Some Notes on 'All in the Family,'" in *Television: The Critical View*, ed. Horace Newcomb, 1st ed. (New York: Oxford Univ. Press, 1976), pp. 6-25, 35-42.

Among Willard's writings relevant to this essay I would include: Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," *CM*, 43 (Nov. 1976), 308-319; "Argument as Non-Discursive Symbolism," *JAFA*, 14 (Spring 1978), 187-193; "A Reformulation . . . ," cited in n. 6 above; and "The Epistemic Functions of Argument: Reasoning and Decision-Making From a Constructivist/Interactionist Point of View," *JAFA*, 15 (Winter 1979), 169-191.

[14] These accusations are laid out in Willard, "On the Utility . . . ," and the quotation comes from p. 319.

[15] Daniel J. O'Keefe, "Two Concepts of Argument," *JAFA*, 13 (Winter 1977), esp. p. 127; and Brandt R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," *JAFA*, 15 (Winter 1979), esp. pp. 140-143. See also Wayne Brockriede, "Characteristics of Arguments and Arguing," *JAFA*, 13 (Spring 1977), esp. 129-130.

[16] George Herbert Mead, *Mind, Self, and Society* (Chicago: Univ. of Chicago Press, 1934), as well as *The Philosophy of The Present* (Chicago: Univ. of Chicago Press, 1932).

[17] Now, it should be noted that Willard ("A Reformulation. . ."), following Joseph W. Wenzel ("Three Senses of Argument," unpub. paper, 1977), does recognize that procedural rules--rules for who speaks when, perhaps even rules for following one proposition with another--come into play in at least some argumentative situations. Yet, in his desire to strip back the notion of "rationality," he does seem to ignore two other kinds of rules which at least occasionally have force in argumentation: *Substantive rules*--what must be brought in support of what--certainly are operative in legal argumentation and certain forms of religious disputation, for example. And, *social rules*--things I *must* say and ways I *must* say them--are present in, say, the British House of Commons ("Backbenchers may not speak until floor leaders and party luminaries have spoken," "Your opponent must be referred to as 'the Hon. Member from X,'" etc.), the U.S. Senate ("First-year senators should not give speeches on the floor"), and even less formal familial spats (e.g., "My wife should not bring up my smoking when we are arguing about another issue"). The point is, argumentation *is* a convention- or rule-governed activity, except, I suppose, in what Rapoport terms a "fight" situation. To him--and to me--both "games" and "debates" are impossible to conceive of free from at times controlling rules. See Anatol Rapoport, *Fights, Games and Debates* (Ann Arbor: Univ. of Mich. Press, 1960).

[18] As quoted in Joseph R. Royce, *The Encapsulated Man* (New York: D. Van Nostrand, 1964), p. 129. My thanks to Jack Orr (n. 6, p. 274) for finding this pithy quotation.

# ARGUMENTATION AND FORENSICS

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Whatever else it may do, participation in forensics hastens the process of aging. Five years ago I took solace in the fact that, as the youngest participant at the Sedalia Conference, I could make irresponsible statements knowing that they would be written off as youthful indiscretions. Now I find myself in a role often filled by someone with enough years of experience that the speaker's irresponsible statements can be ignored as a concession to overly advanced age. Since I hope I, like Professors Gronbeck and Nobles, am without that defense, I find myself in a difficult assignment.

In the years since Sedalia, my own life has changed in at least two ways which bear upon what I have to say this afternoon. First, when I was asked to assume the chairmanship of my department, I had to both limit and change the nature of my involvement in forensics. Although the wishful thinking about my "retirement," like the rumor of Mark Twain's demise, was slightly exaggerated, my active participation and ego-involvement in directing a forensics program undoubtedly have declined. This change could be viewed as putting me out of touch with the latest developments, but I prefer the more generous interpretation that it has given me a valuable sense of objectivity.

The other change was my appointment in 1977 as Editor of the *Journal of the American Forensic Association*. In this capacity, I have seen much of the current research in forensics and have become more keenly aware of its strengths and drawbacks.

This conference focuses on research and scholarship, but these seldom have been viewed as the strong suits of forensics. This anomaly is hardly attributable to a shortage of bright people or intriguing research questions. In part, of course, it reflects the extremely heavy demands on one's time, with a combination of teaching, coaching, travel, and administrative duties that boggles the mind. But to cite the press of these duties as an explanation for our failure to make our fair contribution to scholarship is to sell ourselves short.

For one thing, the press of our other duties is partly of our own making. We have created organizations galore, all with their time-consuming committees, boards, and business meetings. Our competitive season has lengthened over the years, largely because we have chosen to add more tournaments on more weekends. We have chosen to stretch travel budgets by creating long "swings" that keep us on the road for days at a time. My point is not that any of these choices is unwise on its own merits, but rather that we have not faced up to the "opportunity costs": Every day we spend on the road or in a business meeting is a day that we cannot spend in the library or at the typewriter. In most organizations, day-to-day operations tend to drive out long-range planning. Analogously, we always can find more urgent things to do than taking the time to investigate the idea that occurred to us in the course of working with students or to revise a convention paper for publication. If we wish to give more of ourselves to scholarship, we must decide to rearrange our professional lives and schedules to make it possible. It will take some conscious decisions and some sacrifices.

But, for me at least, there's no question that this is the direction in which we need to move. The conferees at Sedalia put it well in describing the fundamental importance of research to this or any other academic field. They adopted a resolution stating, "Research and scholarship in forensics function to a) delineate the nature of the field, b) investigate the relationship between theory and practice, c) interrelate forensics with other disciplines, d) describe, evaluate, and develop teaching methods." It is somewhat embarrasing, however, to note how little progress has been made in the past five years in working on several, though not all, of the questions which the conferees identified as important issues for research.

In calling for a reassessment of priorities for our time and effort, I may be doing no more than urging the inevitable. It seems clear to me that the elaborate travel and competitive schedule we have evolved over the past generation is unlikely to survive the dual effect of inflation and fuel shortages which will continue well into the next decade. Just as the Depression economy of the 1930's gave rise to the forensic tournament, so the energy-scarce economy of the 1980's may force drastic modifications in the tournament system. Facing this prospect, we may be able to make a virtue of necessity if we not only react to external events but seize the chance to shape our professional careers in line with our priorities. Such reshaping should give greater weight to research and scholarship than has been our custom.

But even a decision to commit ourselves more actively to scholarsip will not get the job done; it will only bring us up against a more fundamental problem. As a field, we lack clarity or consensus as to the object of our study -- what, in brief, is the relationship between argumentation and forensics?

The National Developmental Conference made an important, though insufficiently recognized, effort to answer this question. The participants defined forensics as "an educational activity primarily concerned with using an argumentative perspective in examining problems and communicating with people." This statement clearly did not equate "forensics" with the competitive activities of debate and individual speaking events. Now, if forensics is that branch of the communication field which approaches its study from an argumentation perspective, it would seem to me that "argumentation" and "forensics" are virtually synonymous terms. At least within the vision of the Sedalia conferees, all three subdivisions of this summer conference could be grouped under the heading of "forensics."

This vision, no doubt, is more expansive than most people in forensics find customary. The reason, I believe, is that they equate their interests with a second term defined at the Developmental Conference: forensic activities. These were seen as "laboratories for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences." The distinction between "forensics" and "forensic activities" is not trivial. Rather, the first stands to the second as genus to species. But people in forensics, by and large, identify themselves with the species rather than the genus. They define their professional roles by reference to activity programs rather than to the object of their study. This myopic self-concept adversely affects research and scholarship.

For one thing, it makes the need for research seem less pressing. To be sure, new tournament formats and new affirmative case forms always will be proposed. But these advances reflect ad hoc administrative or strategic innovations more than research. Recognizing this fact, we can better understand why some directors of forensic activities might see research as not central to their mission.

Moreover, a myopic focus on "forensic activities" makes the research which is done relatively trivial in scope. If all we have to investigate are the contrivances of contest activities, we have defined away most of the really interesting questions. Chronologies of the development of case form, empirical studies of the influence of some variable on tournament success, and "think pieces" on how to argue the counterplan are not without value. But their usefulness is limited to the participants in contest activities. Not entirely without foundation is the oft-repeated charge that research of this type is trivial, even banal -- and the reason is that it does not advance our understanding of forensics, the genus.

A somewhat related problem is that research in forensics tends to be atheoretic. Empirical studies attempt to determine regularities of relationship without any theoretical framework from which to make sense of the results. Historical studies examine the argumentative behavior of advocates by applying a predetermined category scheme. Such studies may tell us something about the specific phenomena being investigated, but they do little to enhance our more general understanding of the process of reason-giving by people. The fact that we are not as familiar with the logic of theory construction as we should be aggravates this problem.

Additionally, research tends not to be programmatic. By this I mean that it is difficult to find sequences of investigation each of which builds upon what has gone before. The result is that the accumulation of research over time results in far less progress for the field than we would expect from a healthy and vital discipline. For example, we are unlikely to advance our understanding of the epistemic function of argument if we have not investigated the concept of validity in non-formal argument. We are unlikely to advance the notion of argument fields without systematic examination of how the process of argument varies from subject to subject, or from community to community of arguers. We are unlikely to answer the question of how dialectical argument differs from empirical argument without careful attention to the nature of arguing about values as distinct from arguing about facts. We are not likely to determine the contemporary topoi or "stock issues" of public discourse without a body of analysis and criticism of public argument. An occasional piece on one of these topics by a single researcher will not advance the state of the field very much. Of course, any attempt to set research priorities is likely to be difficult, because each of us naturally tends to equate our own personal interest with the most pressing issue in the field. Nor would it be desirable to develop a rigid set of priorities that would stultify creative inquiry. But, at the same time, it is essential that significant theoretical questions in forensics be identified, so that groups of scholars might pursue them in a programmatic way.

In order to gain a clearer sense both of why we need scholarship and of what sorts of scholarship we need, we must investigate more carefully the nature of the genus, forensics. Scholarly disputes about what "argument" is, are important largely because they help us to say more clearly what forensics is all about. In this regard, several promising possibilities are represented at this conference. The "personal construct theory" perspective would lead us to the study of argument from the point of view of the arguers. The concept of argument as criticism would lead us to see it as a perspective which the critic adopts in order better to explain some critical object. The linkage between argumentation and political philosophy would direct our attention to the kinds of argument which characterize people of different political persuasions. The concept of rhetoric as epistemic would direct our attention to argument as a fairly rigorous method of "coming to know."

What each of these approaches has in common, and what an equation of "forensics" with "forensic activities" lacks, is an organizing principle. Such a principle will give meaning and direction to our research, indicating what is important or how different investigations might relate to one another. It should both provide a focus on what questions need to be answered, and the motivation to inspire scholars to address them.

I have suggested that we should avoid an overly narrow focus on "forensic activities." Yet we do spend much of our time in activity programs, and they may offer unique ways to contribute to advancing research and scholarship in argumentation. My call is not for dismantling or de-emphasizing our contest-activity orientation, but for using it more skillfully as a way to meet our research needs. How can forensic activities better contribute to our knowledge of argumentation?

One promising effort is the attempt in recent years to view forensic activities as reflecting some more general type of communicative behavior which serves as the paradigm case. When we investigate how contest activities may be modeled after policy-making, system-analytic, hypothesis-testing, or game-theoretic paradigms of human behavior, we actually may be contributing to the answers to broader questions about how argument functions as an instrument of knowledge and decision. Our answers are prompted by our concern for forensic activities but have a much more general application. We need in our work to give greater stress to the more general application.

Another promising possibility is the examination of the topic areas explored in forensic contests, in order to determine the standards of proof and validity which characterize different fields or disciplines. Although we do not know how to draw the boundaries of an argument field precisely (a research topic in itself), it does seem to me that specific issues of public policy tend to have their own standards for proof and validity. Discussions of social programs, energy, and diplomatic affairs, for instance, all differ in these respects. People in forensics discover the implicit standards of a field in the course of carefully investigating the literature on a topic. Rather than allowing their knowledge to go to waste, they might try systematically to characterize the implicit theories of argument which are operative within various fields. Then, comparative studies would be facilitated, both across fields and between expert and general discourse within a given field. Again, these studies are prompted by forensic activities but have a much wider application.

Third, concepts employed in forensic activities may be used to analyze public argument. For example, we all could profit from a well-developed theory of presumption. Such a theory might help us to explain -- among other things -- what value presumption serves in public arguments, how advocates go about jockying for presumption when it is not stipulated, what arguments and appeals seem most likely to capture presumption, how much strength presumptions carry and what is required to overturn them. Similarly, the concept of stasis could be used to explore and explain the argumentative choices available to advocates in situations of differing types.

Fourth, the process of judgment among competing arguments -- intrinsic to forensics -- has much wider potential application. How can one argue that we have a responsibility to future generations? On what grounds could one justify the claim that the quality of life is a greater value than life itself? How should an auditor evaluate an argument which suggests that great consequences will follow from an action of which there is very small risk? Contest participants and judges deal with questions like those all the time. But the questions certainly are not confined to the contest situation. A theory of choice under conditions of uncertainty, a philosophy of public action, and a theory of ethics, all will depend upon just such questions. The contest format offers a laboratory for trying out ad hoc approaches to resolving them. But the opportunity is there for scholars in forensics to use the ad hoc approaches as the basis for a more thorough and careful contribution to the philosophy of argument.

These four suggestions hardly exhaust the research potential of forensic activities; they barely scratch the surface. What they have in common is that they take forensic activities as a starting point for research which is of more general relevance and application. What we do not need, in my opinion, is research which has no broader focus than the activities themselves. We do not need to spend our time writing about esoteric strategies of argument which have no application outside the contest debate, or techniques of arrangement and presentation never found outside the individual event contest round. We do, of course, need evaluation research on forensic activities -- to determine to what degree they achieve their purposes and to modify them so that they may enhance their purposes. But we must regard forensics, not just forensic activities, as the object of our research and scholarship.

Even more important, we must use forensic activities as an opportunity, not a substitute, for scholarship. It is easy to argue that the long hours and great energy invested in administering a forensic program make a commitment to research impossible, and there always are things to do in place of serious scholarship. But without a strengthened commitment to scholarship, we will have a difficult time convincing our colleagues that forensics is a field with intellectual integrity warranting their respect. And, what is more, we will fail to advance the understanding of the argumentative perspective as a way to study communication.

It was my privilege to chair the SCA Division of Forensics in the year in which the idea for this Conference was first proposed, and to appoint the initial planning committee. I have watched the planning with great interest and am delighted to be able to participate in the fruits of the labor. I hope that the programs here will illustrate the potential of research and scholarship in forensics, and that the interaction this weekend among like-minded colleagues will stimulate all of us to strive to realize that potential.

## DISTRIBUTED PAPER

# ARGUMENTATION AS A COMMUNICATION PROCESS

by

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Convention of the Southern
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I've entitled my paper "Argumentation as a Communication Process" because I believe argumentation theory has much to gain by treating argumentation as a specific type of communication process.

Some of you will hear those words -- "argumentation as a communication process" -- and begin nodding your heads in approval. "Yes," you will say, "It's about time we brought argumentation theory into the twentieth century!"

Others of you will hear those same words and, perhaps reflecting on the rather dismal record communication theory has had in making coherent sense out of communication as a process, begin wagging your heads in disapproval. "No," you will say, "Leave argumentation alone!"

Before you choose up sides -- "pro-process" versus "anti-process" -- let me warn you: What I mean by the phrase "argumentation as a communication process" is not what anyone else currently in print seems to mean by it. For example,

-- I do not mean "argumentation as an interpersonal process."

-- I do not mean "argumentation as a type of human interaction."

-- I do not mean "argumentation as a form of human behavior."

-- And, most emphatically, I do not mean "argumentation as anything which simply influences beliefs, attitudes or values" -- or otherwise persuades.

What I do mean is this: Argumentation as we have traditionally treated it -- serial predication, premises and conclusions, formal and informal fallacies, valid or invalid deductive arguments, correct versus incorrect inductive arguments, and the like -- can be better understood as communication processes, but only if we are willing to adopt a radically altered view of what we mean by the phrase "communication processes" than we currently employ in communication theory today.

Thus, the purpose of my paper is to introduce an alternate conception of the phrase "communication in process" to those conceptions currently employed, and to suggest the usefulness of that conception for conceiving argumentation as a communication process.

In order to contrast my conception of argumentation as a communication process with what I take to be the currently-emerging one among communication theorists, I would like to show precisely how my conception differs from the approach being developed by, for example, Charles Willard in a recent series of three articles, ostensibly on the same theme.

You will remember that Willard argued, in the first of his three articles,[1] that arguments should be treated as a species of human interaction rather than as "'things' possessing, independent of the people who use them, certain formal characteristics."[2] Thus, according to Willard, diagrams of arguments should not be employed because they cannot possibly capture the true "process" nature of the argumentative interaction. And, only if we concern ourselves with the argumentative interaction can we join the mainstream of where communication theory is presently drifting.

In his second paper, Willard describes a "constructivist-interactionist" sociology of argument which is designed to support the claims of his earlier paper.[3] And, in his third paper, responding specifically to a challence to his position on argument diagrams by Charles Kneupper,[4] he extends his analysis so as to claim that arguments can be either partially or wholly non-verbal--just as communication conceived as interaction may be partially or wholly non-verbal.[5]

It is Willard's claim concerning "non-verbal argument" that has led me to reject not only his claims about argumentation as a communication (i.e., interaction) process -- but also to reject the more general idea that communication itself should be conceived as human interaction. Let me explain why by continuing my consideration of Willard's argument.

Willard bases his claim concerning non-verbal argument, so he says, on Susanne Langer's distinction between discursive and non-discursive symbolism -- developed in Philosophy In A New Key, and published in 1942.[6] Unfortunately, Langer's distinction cannot be used to support such a claim -- a point Bill Balthrop made clear in a paper read at the SCA convention in Minneapolis,[7] based on internal evidence from Philosophy In A New Key itself. Willard simply but dramatically misread Langer.

But it really does not seem to matter to Willard's position whether the claim concerning "non-verbal" argument, and the larger claim that argumentation is a form of human interaction, can be ground in Langer's theory of symbolism or not. For Willard's claims concerning argumentation is interaction seem to be the natural outcome of taking seriously contemporary communication theory's treatment of communication as interaction.[8] That is, if we take seriously the claim that the phrase "communication as process" is synonymous with the phrase "human interaction," then we are inevitably bound to conclude at some stage in our theorizing that argumentation as a species of communication (i.e., a species of human interaction) can have non-verbal components, and in some cases be entirely non-verbal.

The only problem with treating argumentation as interaction is that to do so we must arbitrarily dismiss as irrelevant 24 centuries of careful thinking and observation about argumentation and logic -- and we must perform this dismissal without so much as a theoretically detailed, interesting replacement for the thought being dismissed waiting in the wings.[9] For the interaction approach is conceptually untested -- a fact that is reflected in Willard's remark that,

> Due to the paucity of theorizing about this interactional conception of argument, we must be content, for now, with asserting that it is legitimate to think of argument as a specific genre of interaction. . . .[10]

And, if he says so, I suppose we must! But, when an "assertion" asks us to give up so much hard won knowledge merely to allow us to align our theory of argumentation with what is, at best, an incoherent hodge podge of ideas generously called by its advocates "communication theory"; when interactionism can offer nothing more in exchange for the 24 centuries of theory and practice we are asked to give up than a "paucity of theorizing," then something is deeply and seriously wrong with the basis of that assertion. And what's wrong,it seems to me -- what has caused this "paucity of theorizing" -- is that human communication itself cannot profitably be conceived as a process of interaction.

What I am claiming, then, is that argumentation is best conceived as a wholly verbal, propositional form of communication process -- a communication process which does indeed have formal properties and specifiable relations among its elements which differentiate it from other forms of communication -- and which the "communication-as-interaction" approach to communication theory is powerless to understand, and therefore either has to reject as false or dismiss as unimportant.

Instead of accepting as its fate the interaction theorist's dismissal of its labors and results, argumentation theory should demand to be understood on its own terms by communication theory. Rather than allowing itself to be cavilierly dismissed because the theory of "communication-as-interaction" and its theorists cannot account for the manifest facts of argumentation, argumentation theory should seek its own approach to process -- finding some approach which holds out more hope of comprehending the facts of argumentation and at the same time brings those facts into systematic relation to other areas of theory.

And, there is as alternative to treating communication as interaction -- an alternative which is process-oriented and yet can still account for the facts of human argumentation, can account for its properties and its features.

But, before describing that alternative let me be very explicit about one thing: I am indeed suggesting today that Willard's claim about "non-verbal" argument, rather than being right about argumentation, is wrong about communication -- and that it is wrong in such a fundamental way that the collapse of Willard's argument about argumentation heralds the eminent collapse of communication theory as it is presently formulated around the concept of "communication-as-interaction."

In order to see how this might be so, let us look at a portion of the Kneupper-Willard dialogue on argument diagrams, found in the Spring 1978 edition of *JAFA*. For the claims made there reveal the problems inherent in treating communication as interaction.

In Kneupper's response to Willard's criticism of argument diagrams, he makes the innocent but far-reaching observation that Willard's redefinition of argument. . .

> implies that argument may be in part or wholly non-verbal. Although non-verbal signs or symbols may be utilized in communicating an "argument," this communication does not *function as argument* until it is linguistically interpreted by the receiver. Linguistic interpretation is necessary to make non-verbal communication meaningful.[11]

To Kneupper's claim that "Linguistic interpretation is necessary to make non-verbal communication meaningful," Willard responds vehemently. With almost McCarthyist zeal, Willard accuses Kneupper of having "positivist assumptions," writing:

> This assumption is reflected in a statement I can only describe as astonishing. It is astonishing because (a) it reflects a view of non-verbal communication which, as far as I know, is shared by no one working in that domain, and (b) it is advanced as an obvious fact rather than a proposition requiring supportive proof. . . . Now, this is a very radical proposition: it says that people do not attach meanings to non-verbal cues without linguistic translation.[12]

Willard is right -- on both accounts. First, Kneupper's statement *does* imply that non-verbal cues have no *meaning* without linguistic interpretation; and, second, Kneupper's statement does reflect a view of non-verbal activity shared by none of the experts in that domain. So it is probably questionable whether Kneupper is prepared to defend the claim that there is *no non-verbal communication* just to be able to defend the claim that there *is no non-verbal argument*.

But that is precisely the claim that must be defended if we are to understand why there can be no non-verbal, non-propositional argument.

And the claim is defensible -- there is *no non-verbal communication*. And the authority I use to support my claim is none other than Willard's own prime source -- philosopher Susanne K. Langer.

For, you see, Willard is not alone in trying to develop the implications of the theory of symbolism presented in *Philosophy in a New Key*. Langer herself has subsequently continued to develop the themes of her earlier work -- publishing a philosophy of art in 1953,[13] and the first two installments of a philosophy of mind (1967, 1972).[14] And it is clear that both of these philosophies are direct developments of the distinctions made and the theories presented in *Philosophy in a New Key*. Thus, if we want to discover the implications of Langer's distinctions in *Philosophy in a New Key*, we are no longer confined to evidence provided there alone. We now have the results of her own researches and reflections to draw upon -- and the results are surprising.

It is in volume two of her philosophy of mind that we find the crucial theories and comments which make possible the radical revision of communication theory that I am proposing today. While a description of her justification for the following conclusions is beyond the scope of this paper,[15] several of her observations merit special attention relative to the theme being here developed.

First, based on her philosophy, she defines communication as follows: "Communication is the intentional transmission of ideas from one individual to one or more others."[16] The first key implication of Langer's definition for the revision of communication theory is that communication is not the same thing as interaction. For one can interact without communicating. Langer makes this implication explicit when she writes:

> If the intention miscarries, i.e., no ideas "goes across," the individuals fail to communicate, though they may interact closely, elaborately, even violently.[17]

Thus, while communication may be a component of some interactions, it is not the same thing as interaction. While I suspect that no communication theorist of communication currently writing today would go this far in emphasing the ideational content of communication and how that differs from interaction in general, Langer not only goes that far in developing the logical implications of her earlier philosophy of symbolism, she goes further, saying:

> I would make bold to say that dolphins do not communicate, any more than other animals -- crows, elephants, chimpanzees. [Langer adds]: It is better to start systematic thinking with precise though narrow concepts and proceed to widen them by stepwise generalization than to start with highly general notions which, being carried from one context to another, change their meaning.[18]

And what of the so-called "non-verbal communication" upon which any theory of "non-verbal argument" must ultimately rest? Since those features of human interaction which we presently designate "non-verbal communication" are based (for the most part) on an animal heritage which we share with other animals (and which Langer has already indicated is not "communication") and because they operate using the same mechanisms which participate in animal interaction, nearly all of what we call "non-verbal communication" is not communication at all -- even though those features of human interaction may accompany actual communication, affect it in many ways, enhance its liklihood of implementation, and even prevent its occurrence. That is, those factors are not the intentional transmission of ideas -- even though they may enhance or inhibit that transmission. And, because they are not the intentional transmission of ideas, they are not themselves communication.

I'm sure Professor Willard would be shocked at Langer's conclusions -- especially since Langer even has a word to say about the "experts" Willard would have us give obeisence to. Writing of the conceptual carelessness of two of the best known experts in animal communication, Langer says:

> William Evans and Jarvis Bastion, for instance, define animal "communication" as any sort of interaction among animals, and then spend paragraphs demonstrating by "deduction" that in animals interaction and communication are identical.[19]

And what is Langer's evaluation of the fusion of the concepts of "communication" and "interaction" as done by Evans and Bastion? She writes:

> A definition that permits no distinction between phenomena which analytic thinkers are trying to bring into systematic relation is pragmatically a bad definition.[20]

Willard's definition, it seems to me, is just that sort of definition -- for in its fusion of argumentation with interaction, it makes it impossible to consider how interactions involving argumentation differ from those involving other forms of communication, non-communication, etc.

Finally, then, Langer applies her discussion of animal interaction more specifically to human non-verbal interaction -- revealing in the process a key distinction between that component of interaction which may be said to be "communication" and all others which may not. Referring again to Evans and Bastion, she writes:

> With such broad definitions one cannot make precise or even significant statements. In order to fuse animal and human "communication," our authors have had to play down the conceptual content of language, i.e., the information intended to be conveyed by means of words, and dwell on [in their words] "the non-linguistic forms of human communication, which are no less significant in the context of human social life. . . ." .[21]

Firmly denying Evans and Bastion's claim that non-verbal interaction is either the same as or an important as communication, Langer suggests the critical difference between communication and non-verbal interaction centers on the human ability to assert. She writes:

> If facial expression, tone of voice and shrugs are really "no less significant" than the verbal statements of our discourse, then typewritten proposals, printed books and newspapers must present very poor fragments of what a writer wishes to assert.[22]

The fact is, non-verbal activity asserts nothing at all. And, if non-verbal activity cannot assert, it cannot argue! Thus, if we would have a theory of communication as process in Langerian terms, we would need to have a theory of the process of asserting and understanding.

Langer's denial that animals communicate and that human non-verbal activity is communication because it cannot assert anything to be true or false leaves many questions to answer that are beyond the scope of this paper to develop. For example, we would certainly want to know:

(1) If animals don't "communicate," what do they do?

(2) What is the relationship of verbal to non-verbal interaction, and what is the relationship of interaction of either kind to communication?

(3) And what about "process"? Doesn't Langer's definition of communication deny the "process" nature of communication? E.G., Haven't both Barnlund[23] and Delia[24] criticized this particular definition of communication as being non "process oriented"?

While it is no answer to say so, Langer's philosophy of mind provides a conceptual framework for systematically answering all these questions about communication and more. I am presently preparing a book-length manuscript describing the possible implications of Langer's philosophy for communication, but that is a year or two from being ready for presentation.

In the meantime, in closing this paper, let me briefly address only a portion of one question, as it affects theorizing in argumentation, namely: What do we mean by *argumentation* as a *communication process* in Langerian terms if neither argumentation nor communication are best conceived as interaction?

First, argumentation as a form of communication is exactly what it has always been -- the intentional assertion of conclusions based on premises (whether the preferred analysis is classical syllogistic, Toulminesque, or sentential logical, etc.) which are offered as support. That is, because communication is conceived as the "intentional transmission of ideas (called "conclusions") based in some way on other ideas (called "premises"). In some cases, the "based on" relation between premiss and conclusion is a deductive relation; sometimes it is an inductive one. But, the important thing in treating argumentation as a communication process is that nothing is changed by the seemingly novel discovery of the interactionists that it is *people* in *situations* who argue with one another, that they occasionally persuade one another, *misunderstand* one another, and even *interact* with one another. Argument is distinguished from other species of communication process primarily by the fact that assertions, traditionally called premisses, are offered as support for other assertions called conclusions. Those arguments have discernible form and describable properties -- a fact which is attested by 24 centuries of observation, from Aristotle to Toulmin, and which needs theoretical *explanation,* not dismissal.

Why, then, have communication theorists been driven to the position that communication has no characteristic form and discoverable properties -- opting instead for an interactional approach to defining communication? And why will communication theory oriented argumentation theorists like Willard inevitably be driven to the same position in spite of its "paucity" of theoretical and empirical results?

The answer is to be found in their commitment to the notion of communication as *process*. Specifically, scholars like Willard are compelled to deny that arguments have form (when considered as communication) because communication itself is said not to have an essential form. And their claim concerning the absence of an essential form for distinguishing communication from all other processes is Berlo's unchallenged description of "process" -- a description which explicitly specifies that processes do not have an essential form. Interactionism in communication theory is a specific response to that theoretical commitment.

But, the fact is, Berlo was as wrong about Whitehead's concept of process as Willard was about Langer's theory of symbolism. Berlo utterly confused "process" with "relativity" (in the sense of "relativism," not even Einsteinian relativity) and has sent an entire generation of communication theorists on a merry chase in search of an illusory notion of process. In truth, one of Whitehead's chief concerns in his metaphysics was to describe *how it was* *that processes came to have the forms, and therefore, the properties they did*. His key philosophical insight was to see that what we experience as material objects, etc., were built up from underlying processes whose *form* gave the material objects we see and experience their form. Thus, he was concerned with how various processes could be distinguished from one another *by their formal properties*. He analyzed how distinguishable processes might be related to one another, by such relations as "causal efficacy," among others. Mountains, for all their apparent permanence, were processes, and so were trees, and so is communication. But each of these processes is distinguishable from the others by its formal nature and properties -- a formal nature which was not *created* by man in his role as observer, but which is *discoverable* by man. Thus, the two key commitments of contemporary communication theory which are derived from Berlo's approach to "process" are both in fundamental error -- if it is a Whiteheadian approach to process we are seeking. Explicitly, then, Berlo was wrong in saying (1) communication as a process means that "it does not have *a* beginning, *an* end, a fixed sequence of events,"[25] and (2) "the structure of physical reality cannot be discovered by man; it must be created by man."[26] Communication and argumentation do have specifiable forms and those forms are discoverable, though the task is not easy nor the forms as obvious as syllogistic forms, which are simply the codification of common sense and careful observation.

Thus, in the final analysis, the fact that communication is a process in Whiteheadian terms changes nothing concerning our pre-information theory and pre-Berlo era of theory. We have simply been sent on a snipe hunt for a notion of process which never stood a chance of success. And yet, it changes everything. For arguments as communication *processes* are still processes, not things per se. And this is where I suspect that Langer's writing will be of future value. For Langer, as a student of Whitehead's (he wrote the preface to her first book and *Philosophy in a New Key* was dedicated to him) has written everything she's published with "process" thinking as a background. Her claims about communication reflect a process viewpoint in a truly Whiteheadian spirit -- while dropping both the metaphysical generality of Whitehead's writing (because it cannot accurately represent actual living processes, of which communication is just one) and the metaphysical vocabulary (choosing instead to reconceive the already present vocabulary of psychology and sociology to make it more serviceable).

In summary, then, the fact that communication theorists in general, and Willard in particular, deny that arguments as processes have observable forms and specifiable properties derives from their sincere attempt to properly apply Berlo's total misreading of Whitehead's process philosophy. We have been working with an incoherent concept of process and blaming our methodologies for our conceptual and empirical failures of the last twenty years. And, in this last observation is yet another reason that Willard's argument seems to me to foreshadow the radical disintegration of contemporary communication theory -- that theory is based on a fundamentally flawed conception of *communication as process*.

To conclude, argumentation can best be conceived as a communication process -- but only if we are willing to adopt a radically altered concept of both communication and of process than we are presently drifting toward. For *communication* is not interaction, and *process* is not formless, propertyless activity.

# NOTES

[1] Charles Arthur Willard, "On the Utility of Descriptive Diagrams for The Analysis and Criticism of Arguments," Communication Monographs, 43 (1976), 308-319.

[2] Ibid., p. 309.

[3] Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," Journal of the American Forensic Association, 14 (1978), 121-140.

[4] Charles W. Kneupper, "On Argument and Diagrams," Journal of the American Forensic Association, 14 (1978), 181-186.

[5] Charles Arthur Willard, "Argument as Non-Discursive Symbolism," Journal of the American Forensic Association, 14 (1978), 187-193.

[6] Susanne K. Langer, Philosophy in a New Key, 3d ed. (Cambridge, Mass,: Harvard University Press, 1957).

[7] Bill Balthrop, unpublished speech, Minneapolis, 1978.

[8] That this drift is a natural outcome of the "communication-as-interaction" approach to communication as a process may be seen in recent trends in argumentation texts produced by speech scholars. Notice how much traditionally covered material is omitted in recent texts by Richard E. Crable [Argumentation as Communication: Reasoning with Receivers (Columbus, Ohio: Charles E. Merrill, 1976).], Richard D. Rieke and Malcolm O. Sillars [Argumentation and the Decision Making Process (New York: Wiley, 1975).] and Douglas Ehninger and Wayne Brockriede [Decision by Debate, 2nd. ed. (New York: Harper and Row, 1979).].

[9] This may be seen most dramatically in Brockriede's account where he simply dismisses deduction as a form of argument, etc., on the grounds of the simplicity of Aristotelian syllogisms. His argument not only misses the point of 19th and 20th century developments in our theory of deduction (because of its application to formal logic, I suppose) but does so because none of those theoretical accounts can be fit into contemporary process views -- as epitomized by his phrase "arguers as lovers."

[10] Willard, "Argument as Non-Discursive Symbolism," p. 312.

[11] Kneupper, p. 182.

[12] Willard, Ibid., p. 190.

[13] Susanne K. Langer, Feeling and Form (New York: Scribners, 1953).

[14] Susanne K. Langer, Mind: An Essay on Human Feeling (Baltimore: Johns Hopkins Press, 1967, 1972 and forthcoming).

[15] Some further detail is contained in my article "Implications of Susanne Langer's Concept of the Spoken Symbol for Human Communication Theory," North Carolina Journal of Speech and Drama, 12 (Fall 1978), 3-18, and in my dis-

sertation, "The Implications of Susanne K. Langer's Philosophy of Mind for Speech Communication Theory," University of Denver, 1977. Both the article and the dissertation focus on a very narrow aspect of Langer's philosophy -- namely, her theory of the origins of speech and the evolution of our communication capacity. Thus, they can be treated as very preliminary essays of the territory to be covered by a theory of human communication which might be developed from Langer's philosophy.

[16] Langer, Mind, volume II, p. 201.

[17] Ibid.

[18] Ibid.

[19] Ibid., p. 200.

[20] Ibid.

[21] Ibid.

[22] Ibid.

[23] Dean C. Barnlund, "Toward a Meaning-Centered Philosophy of Communication," Journal of Communication, 12 (1962), 199.

[24] David L. Swanson and Jesse G. Delia, The Nature of Human Communication (Chicago: Science Research Associates, 1976), 3-4.

[25] David K. Berlo, The Process of Communication (New York: Holt, Rinehart and Winston, 1960), p. 24.

[26] Ibid., p. 25.

## ARGUMENT AND THE LAW

## "COMMUNICATION AND THE LAW: AN IN-DEPTH WORKSHOP"

Carl Moore
Kent State University

MATERIALS DISTRIBUTED:

1. Bruce Landis, Carl Moore, Richard Klein, Allen Bukoff, Regina Northcott, Ruth Meade, "Videotape Testimony and Evidence: Advantages, Disadvantages and Recommended Uses" (Communication and Law Project, March 1979), 16 pp.
2. Allen Bukoff, Carl Moore, Bruce Landis, Richard Klein, Regina Northcott, Ruth Meade, "Videotape Testimony: A Practical Guide to Process and Procedure" (Communication and Law Project, March 1979), 44 pp.
3. Karen Santoro, Carl Moore, Bruce Landis, Richard Klein, Allen Bukoff, Terry Hedrick, Regina Northcott, Ruth Meade, "Use of Videotape in the Legal Environment: Annotated Bibliography" (Communication and Law Project, January 1979) 268 references.
4. "Videotaping a Deposition Prior to Recording" (flowchart)
5. "Videotaping a Deposition Day of Recording" (flowchart)
6. "Videotaping a Deposition Post Recording" (flowchart)
7. "Trial Progression" (flowchart)
8. "Case Law Relevant to the Use of Videotape in the Legal Environment"
9. "Federal Rules of Procedure and Court Rules Concerning Videotape"
10. Ohio Rules of Procedure
11. Summary of Research Findings
12. "Playback Configurations"

## I. WORKSHOP ON SKILLS AND ISSUES RELATED TO USES OF VIDEOTAPE TECHNOLOGY IN THE LEGAL ENVIRONMENT

### PRESENTORS

| | |
|---|---|
| Carl M. Moore | Project Director, Communication and Law Project<br>Associate Professor, School of Speech |
| Bruce A. Landis | Program Coordinator, Communication and Law Project |

Kent State University

### A. INTRODUCTION

1) Background and major activities, Communication and Law Project
2) Workshop rationale
3) Workshop units

### B. PERSPECTIVES

(Videotape) Persons with considerable experience discuss potential applications of videotape technology in the courts.

### C. ADVANTAGES, DISADVANTAGES, RECOMMENDED USES

Advantages and disadvantages of using videotape to record depositions, demonstrative evidence and entire trials were presented and discussed. Recommendations were offered.

### D. RULES/CASE LAW

Federal and State Rules affecting the use of videotape in civil actions and case law affecting the scope and limitations of videotape in criminal actions were presented and discussed. A manuscript version is enclosed.

### E. VIDEOTAPE DEPOSITION

(Videotape) A videotape deposition is shown being recorded. All major steps in the operator's preparation and the recording of the deposition are demonstrated.

### F. EDITING

(Videotape) Various methods of editing videotape for trial are demonstrated.

### G. PLAYBACK

Equipment configurations for playing testimony or evidence to a jury were described.

## II. "LEGAL ARGUMENTATION AND ADVOCACY: A PANEL"

Carl M. Moore, Kent State University
W. Scott Nobles, Macalester College
Richard D. Rieke, University of Utah

An open discussion of issues raised by the Workshop was held. Special attention was paid to how trial advocacy might change if testimony and evidence are videotaped. The following outline, distributed by Professor Moore, served as the basis for a portion of the discussion.

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**Laurence Stone**
Director, Ohio Judicial College
**Alan Whaling**
Director, Ohio Judicial Conference

## HOW MIGHT TRIAL ADVOCACY (LEGAL ARGUMENTATION) CHANGE IF TESTIMONY AND EVIDENCE ARE VIDEOTAPED?

1. What are the differences between delivering courtroom testimony and evidence by videotape depositions rather than by stenographic depositions?

### DIFFERENCES BETWEEN VIDEOTAPE AND STENOGRAPHIC DEPOSITIONS
(When recorded for and used in trials)

| Deposition Component | Stenographic | Videotape |
|---|---|---|
| Recording | | |
| Where? | Anywhere | *Special space requirements |
| When? | At court, witness, attorney convenience | (Same) |
| How? | Special operator skills | *Special operator skills/ special equipment |
| Who? | Witness, attorneys, stenographer | Witness, attorneys, videotape operator |
| Reviewing/ Editing | | |
| Where? | Judge's determination | (Same) |
| When? | | |
| Reviewing | Judge's determination | (Same) |
| Editing | As read at trial | Before or during trial presentation |
| How? | Judge rules; reader executes | *Judge rules; operator executes (optional) |
| Who? | Judge; reader | Judge; operator (optional) |
| Playback | | |
| What? | Written record | Videotape record |
| Where? | Courtroom | (Same) |
| When? | Trial | (Same) |
| How? | "Read" | *Playback on VTR/monitors by operators |
| Who? | Anyone | Videotape operator |

*most substantial differences

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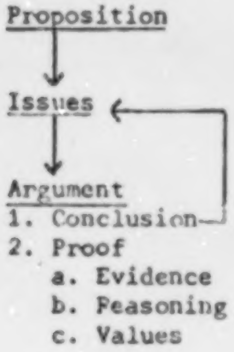
2. What are the differences between videotape trials -- wherein most, if not all, testimony is presented by means of videotape depositions -- and traditional live trials?

## DIFFERENCES BETWEEN VIDEOTAPE AND LIVE TRIALS

| Trial Component | Difference(s) in videotape trials |
|---|---|
| Time | Likely to be shorter, better planned. |
| Voir Dire | Because all testimony has already been recorded, likely to be a more appropriate selection of jurors. May be preference for jurors with different experiences/attitudes. |
| Opening Arguments | Likely to be more precise, cogent and innoculatory. |
| Examination of Witnesses | Style of presentation likely to be affected by medium; videotape is far "cooler" than live examination. Attorneys will not be able to utilize courtroom mystique, will not be able to adapt to jury or judge reactions to testimony and evidence. |
| Presentation of Evidence | Special evidence can be presented and witnesses can be made available |
| Closing Arguments | No perceived differences. |
| Jury | Fewer trials are likely to be resolved by jury decisions as there are better bases for reasonable pre- and during-trial settlements. No reason to believe that the amount of award will be affected. Unknown what is filtered from juror perception by the camera. More efficient use of juror time; likely to be shorter jury duty. |
| Judge | Able to make studied rulings on objections. Likely to expend less time per trial. |
| Attorney | To avoid incoherent and missing testimony, necessary for attorneys to adapt questions to judge. Likely to expend more time per trial. Because of recency of training and attitudes toward VTR medium, young/new attorneys may have advantage. Unclear how videotape will affect factors which contribute to attorney credibility. |
| Plaintiff, Defendant, Litigant | Speedier trial will result in speedier settlements. Defendant may lose opportunity to face accusors in person. |
| Docket | More trials can be conducted more efficiently. |

3. What potential impact do the differences between videotape and the current methods of delivering trial testimony and evidence have for the practice of legal argumentation?

One view of what constitutes the study and practice of argumentation is the following model:



Proposition

Issues

Argument
1. Conclusion
2. Proof
    a. Evidence
    b. Reasoning
    c. Values

Refutation (opposing argument, cross-examination) would be the choices available to the opponent for addressing each of these components.

Arrangement (case construction) delivery (presentational skills) and style (language choice) are necessary to and affect these analytical components.

We believe that certain propositions (types of cases) -- especially shorter and more routine trials -- are more suitable for videotape than others. Conversely, certain propositions -- especially long, complex cases -- are probably not suitable for videotape.

Utilizing videotape to deliver trial testimony is not likely to affect the issues which will be addressed by the disputing parties or the conclusions which the disputing parties want to communicate to the jury or judge.

The choice to videotape is likely to affect the types of evidence which can and will be brought to trial, whether certain evidence can be brought to trial and the relative vividness and effectiveness of some evidence.

An attorney's reasoning may be modified if videotape is selected. An attorney may adapt her lines of argument to maximize what is perceived to be the nature, strengths and weaknesses of the medium. Choices have to be made regarding the best means of presenting the witness and his testimony. A position has to be developed regarding objectionable material. One extreme would be to avoid asking questions knowing the judge will sustain the objection and that portion of the tape will be edited before presentation to the jury. The other extreme, not mutually exclusive, would be to raise objections in order to purposefully create breaks in the tape and/or affect the continuity of the presentation.

Clearly, presentational skills are far more important on a videotape deposition than on a stenographic deposition. Yet to be determined is what style(s) are most suitable for the videotape mode. A whole host of factors can be affected by the choice of setting for the videotape depositions. Witness background, clothing and physical movement, to name a few, all can be manipulated.

Maybe the most important change is that the attorney has to adapt to a yet to be selected jury because she can not experience juror reaction to testimony and evidence.

## CASE LAW/RULES

### Civil

We will not spend much time on the several State laws and rules governing the use of videotape in civil actions for several reasons:

1) Many state rules explicitly permit the use of videotape in civil actions. In these States there are not outstanding legal issues to be discussed.
2) Rules vary somewhat from State to State. A brief summary would be impossible here.
3) In those States which don't have rules allowing the use of videotape the legal questions to be resolved are, generally, not very interesting. The basic question is whether videotape qualifies as a "writing" or a "document" or a "written document." The tide seems to be running in favor of videotape on this question.

I would like to discuss briefly the Federal rule relating to the use of videotape in civil actions. The use of videotape (and other non-stenographic methods) to record depositions is expressly permitted under the Federal Rules of Civil Procedure, Rule 30, which describes the procedures required for the taking of a deposition in a civil case in the Federal Courts. Only one portion of this rule is directly related to the use of videotape, and that is the only portion of the rule that we will discuss here.

Fed. R. Civ. P. 30(b)(4) states: "The court may upon motion order that the testimony at a deposition be recorded by other than stenographic means, in which event the order shall designate the manner of recording, preserving and filing the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy. If the order is made, a party may nevertheless arrange to have a stenographic transcription made at his own expense."

Note that under this Rule:

1) A specific court order is required to authorize each non-stenographic deposition. It is not the unilateral prerogative of the proponent of the testimony to specify the manner of recording. The court may refuse such a petition.
2) The court has wide latitude to include in the order any provisions it feels are warranted to assure that the record will be accurate and trustworthy.

The first case in which a videotape deposition was ordered was Carson-v-Burlington Northern, Inc. [52 F.R.D. 492(1971)].

The order in this case contained a specific set of procedures to be followed. Another early interpretation of Fed. R. Civ. P. 30(b)(4) was Kallen-v-Nexus Corp. [54 F.R.D. 610(1972)] which dealt with audio tape use. This order also prescribed detailed and specific procedures for use during recording. These precedents were followed in Wescott-v-Neeman [55 F.R.D. 257(1972)], which involved videotape, and in Marlboro Products Corp. -v-North American Phillips Corp. [55 F.R.D. 487(1972)], which involved audiotape. It should be noted that in Marlboro the court deemed an "independent operator" unnecessary from both a technological and an ethical point of view. This constitutes a departure from Kallen.

## Criminal

The use of videotape in criminal cases raises several Constitutional and legal questions. These concerns have inhibited the growth of videotape use in criminal cases and received extensive discussion in the legal literature. We will discuss these points in some detail.

### Ex Parte Evidence

Videotape is being used increasingly to record physical (or real) evidence for later use in trial. Recording scenes of crimes, searches, interrogations and sobriety tests are a few of the many potential uses of video technology in this area.

This use of video does not seem to raise any serious Constitutional issues. The major issue has been one of the reliability of the record. The test that has evolved is a simple one carried over from still and motion pictures: the videotape tape in the instant case must be a true and accurate representation of the events recorded. As a general rule if this can be shown no other criteria need to be met; the operator need not have special skills nor must continuity of possession of the tapes be shown. Moreover, a witness other than the videotape operator can be used to lay the foundation for the evidence.[1] There are some potential limitations to this use of videotape, however. It has been held that photographic evidence must not be overly inflammatory, must possess adequate value as evidence and must not unfairly prejudice the dedendant's case.[2]

### Line-Ups

Line-ups are a type of evidence. However, because this use of videotape poses more serious questions of Constitutional law, it will be considered separately. Remember that as with other real evidence the videotape of a line-up must be an accurate and true representation of the events recorded.[3]

The Sixth Amendment guarantees a defendant the right to have his attorney present during a line-up. How this right affects videotape line-up procedures is still a controversy. There are, basically, three ways videotape can be used in a line-up:

1) To record a normal line-up;
2) To present a recorded line-up to a witness;
3) To record a situation like #2.

As long as videotape is being used simply to record the event, as it is in procedures #1 and #3, and provided that the defendant's attorney is present at the line-up according to normal practice, the use of videotape presents no problem. The presentation of a line-up on videotape, however, raises more complex problems. First, there are two types of pre-recorded line-ups. The first involves showing the record of a previously conducted line-up to a witness who could not attend the original. In this case, the question is: It is permissible to play back a videotape of a previously recorded line-up at which defendant's counsel was present, for the purpose of allowing a different witness to make an identification from the videotape, if counsel is not present at the playback? In United States-v-Collins [416 F.2d 696(1969)] the court upheld the use of still photographs in just such a fashion, a ruling that could easily be extended to videotape.[4] The second videotape line-up procedure involves the use of videotaped pictures as the sole means of presenting line-ups to witnesses. In this case, there is no "original" line-up. In Cox-v-State [219 So.2d 762(1969)] it was held that the defendant is entitled to presence of counsel during the identification.[5]

The Fifth Amendment privilege against self incrimination covers verbal communication, "testimony," but is not considered to extend to this form of evidence. Because no testimony is involved in a line-up, videotape line-up procedures do not violate Fifth Amendment rights.

## Confessions

Confessions involve verbal communication, "testimony," and therefore fall within the scope of Fifth Amendment guarantees. Therefore, for a videotaped confession to be admissible it must have a double foundation: 1) it must pass the basic evidentiary test of being a true and accurate representation of the event; and 2) the confession must be shown to be free and voluntary.[6]

## Videotape Testimony

The major concern about the use of videotaped testimony is that it may prove violative of the confrontation clause of the Sixth Amendment, which states: "In all criminal proceedings, the accused shall enjoy the right ... to be confronted with the witnesses against him." Construed literally, this would preclude the use of videotaped testimony; but the clause is not construed literally. Just how it is to be construed, however, is a matter of some dispute. There is general agreement that the right of the defendant to cross examine witnesses is an important element, if not the central element of confrontation.[7] Videotape testimony in no way interferes with the right of cross examination, which can be conducted at the time of recording with the defendant present. Another traditional element of confrontation is the ability of the jury to observe the demeanor of the witness. Videotape preserves demeanor evidence, but videotape recordings can alter perceptions of the participant's demeanor in some cases.[8] It does not seem that this alteration is sufficient to violate confrontation considering that the importance of the demeanor requirement has been consistently diminished in recent years.[9] The requirement that "the prosecution ... produce any available witness whose declarations it seeks to use at a criminal trial"[10] appears to have been recently eliminated but availability may still be an issue.[11] This problem can be eliminated by extending the definition of "court" and "trial" to include the place and time of recording. In that case the witness would be "produced" and availability would not be at issue.

A final interpretation of confrontation is that it is designed to prevent the admission of unreliable evidence. However, because videotaped testimony preserves the major junctions of confrontation by: 1) insuring that the witness testifies under oath; 2) insuring that the witness submits to cross examination; and 3) permitting the jury to observe the demeanor of the witness, videotape testimony could be presumed reliable.[12]

Confrontation also guarantees the defendant the right to be present when testimony is given against him. This should not prove a problem as the recordings easily can be taken in the presence of the defendant and he can be present in the courtroom during playback of the tapes.[13]

There also has been concern that the use of videotaped testimony would run afoul of the hearsay rule. This concern can be approached in two ways. First, it can be argued that when testimony is recorded on videotape for presentation in trial, the definition of "court" and "trial" should be extended to include the taping. Thus, the witness would testify "in court" and hearsay would not be at issue. Second, it can be argued that the hearsay rule was designed to exclude unreliable evidence (exceptions to the rule are generally based on presumptive reliability, e.g., dying declarations) and that videotape avoids the dangers generally associated with hearsay because the witness is under oath, demeanor is preserved and can be observed by the jury, and the witness can be cross examined. Therefore a new exception to the hearsay rule allowing the use of videotape could be made.[14]

## Videotape Trials

The presentation of entire criminal trials on videotape raises yet another set of issues.

The Sixth Amendment guarantees a defendant the right to a public trial. Allowing the public to view the playback of the tapes in the courtroom and/or to be present at the tapings would seem to satisfy this requirement.[15]

Article III and the Sixth Amendment guarantee the right to trial by jury in criminal cases. If trial by jury is interpreted in the traditional common law sense, the videotape trial is precluded. This right is now interpreted functionally, however, its purpose being defined by the Supreme Court as "the interposition between the accused and his accuser of the commonsense judgment of a group of laymen and ... the community participation and shared responsibility that results from that group's determination of guilt or innocence."[16] To perform these functions the jury must be large enough to: 1) insure deliberation; 2) be free from attempts at intimidation; and 3) make possible a representative cross section of the community.[17] Because the videotape trial procedure does not interfere with any of these characteristics or functions, it should not abridge this right.

The guarantee of trial by jury in the Seventh Amendment implicitly obliges the judge to be present during the trial.[18] The literal application of this rule would preclude the videotape trial as it currently is conducted. Two arguments can be made in this regard. First, it can be argued that videotape allows the judge to fulfill his major functions, i.e., ruling on testimony, controlling the effects of misconduct, explaining the law of the case, and warning jurors of their duties. Videotape simply allows a judge to perform many of these duties out of the presence of the jury. Second, it has been stated that "the test in determining whether the absence of the judge from the courtroom during the progress of the trial calls for a reversal of the judgment is whether, by his absence, he loses control of the proceedings."[19] Barring a malfunction of the tape equipment there should be no need for close control of a jury viewing previously recorded and edited testimony.[20]

# FOOTNOTES

[1] Barber and Bates, "Videotape in Criminal Proceedings," 25 HAST. L. J. 1017 (1974), at 1026 [hereinafter cited as Barber and Bates].

[2] Ward, "Judicial Administration-Technological Advances-Use of Videotape in the Courtroom and the Stationhouse," 20 DE PAUL L. REV. 924 (1971), at 944 [hereinafter cited as Ward].

[3] Roth, "Videotape in the Courts: Its Use and Potential," 3 RUTG. J. COMP. AND LAW 279 (1974), at 285 [hereinafter cited as Roth].

[4] Ward, at 948.

[5] Roth, at 287.

[6] Paramore-v-Florida 229 So. 2d 855 (1969); Hendricks-v-Swenson 456 F. 2d 503 (1972). In Hendricks the court suggested that all such statements, including Miranda warnings and waivers, should be taped. In this regard, see Barber and Bates, at 1024. This is the practice in Bronx County, New York.

[7] Mattox-v-United States 156 U.S. 237 (1895); California-v-Green 399 U.S. 149 (1970). In this regard, see Shutkin, "Videotape Trials: Legal and Practical Implications," 9 COL. J. LAW AND SOC. PROB. 363 (1973), at 377 [hereinafter cited as Shutkin].

[8] MILLER AND FONTES, REAL VERSUS REEL: WHAT'S THE VERDICT? THE EFFECT OF VIDEOTAPED COURT MATERIALS ON JUROR RESPONSE, FINAL REPORT (1979).

[9] California-v-Green 399 U.S. 149 (1970). In this regard, see Shutkin, at 377; Stiver, "Video-Tape Trials: A Practical Evaluation and a Legal Analysis," 26 STAN. L. REV. 619 (1974), at 640 [hereinafter cited as Stiver].

[10] California-v-Green 399 U.S. 149 (1970), at 174 (concurring opinion of Harlan, J.).

[11] Dutton-v-Evans 400 U.S. 74 (1970). This ruling appears to eliminate any rule requiring the prosecution to produce all available witnesses. But, see Stiver, at 639, which holds that Dutton is a narrow exception to a general rule requiring the production of witnesses enunciated in Barber-v-Page 390 U.S. 719 (1968).

[12] California-v-Green 399 U.S. 149 (1970), at 158. In this regard, see Barber and Bates, at 1035; Stiver, at 640.

[13] Stiver, at 641; Shutkin, at 382.

[14] Stiver, at 339.

[15] Id., at 642; Shutkin, at 383.

[16] Williams-v-Florida 399 U.S. 78 (1970), at 100.

[17] Id., at 100.

[18] Shutkin, at 385.

[19] Moore-v-State 46 Ohio App. 433 (1933), at 437.

[20] Shutkin, at 385.

# "ANALOGICAL REASONING IN LEGAL ARGUMENTATION"

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Analogical argument has been the subject of much discussion[1] and study[2] in the speech communication field. However, little research attempts to discover those circumstances under which it is frequently utilized. This paper will first discuss the nature of argument from analogy, and then present and explicate instances of analogical argument in one particular field--legal disputation.

## Analogical Reasoning

Fundamentally, argument from analogy is the process of comparing two (or more) distinct objects or ideas to reveal certain similarities. If similarities are established, then something known to be true of or applicable to the former is assumed or inferred to be true of or applicable to the latter. Symbolically, if item A possesses attributes 1 through n + 1, and if item B possesses attributes 1 through n, then item B is inferred to possess attribute n + 1 as well.[3] For instance, if an advocate compared New York City and Washington, D. C. and demonstrated various similarities, it might then be claimed that if New York City had a successful mass transit system, then Washington, D.C. could establish an effective mass transit system as well. Simons essentially employs analogical argument in his extension of scientific methodology to generic rhetorical criticism: "There are norms which distinguish the scientific quest from other intellectual activities, and these, I would maintain, have direct application to the study of rhetorical genres."[4] Thus, argument by analogy claims that what is true or applicable in one example or field is likely to be true or applicable in another example or field, based on observed similarities.

Traditionally, analogy is divided into two types: literal and figurative. Literal analogy refers to a comparison between objects of one class (relevant to the claim advanced).[5] Examples could include analogies between two large cities, two automobiles, or two persons. Figurative analogy encompasses comparisons between items in two different classes.[6] Instances could include comparisons babies and new countries, between bottles and wombs, or between businesses and families. Argumentation texts generally hold that only literal analogy has logical validity; figurative analogy is considered to possess persuasive value only as it effectively explains ideas.[7]

This view has been challenged, however. Wallace suggests that some figurative analogies, like "London:England::heart:body (London is to England as the heart is to the body) may have the force of fact; whereas the literal analogy with its many relationships may at best attain a high degree of probability."[8] While it may be true that, in point of actual fact, this figurative analogy is true, while most literal analogies are only probably true (even if it is a sound literal analogy), this is not due to its logical structure. Truth is simply not the same as validity.[9] It is not the case that the figurative analogy has the "force of fact" in virtue only of its form of reasoning (i.e., figurative analogy).

Furthermore, Rieke and Sillars claim that since no two entities compared are "literally" the same, then "all analogy is figurative."[10] However, "literal" here modifies "analogy", and, since the term "analogy" explicitly refers to a comparison between distinct objects, then utilization of the phrase "literal analogy" to refer to comparisons within a given class is not inappropriate. This phrase is not intended to connote comparisons of the same object, but comparisons within the same class.

Other classifications have been suggested as well. Several authors have written of analogies utilizing a comparison of relations or ratios. Mill writes of "resemblance between relations," which is one of the meanings of the term analogy.[11] Whately speaks of analogies or ratios in his Elements of Logic,[12] and of analogies between examples in his Elements of Rhetoric.[13] Wallace discusses analogies both as ratios and as comparisons between objects or items.[14] Sacksteder identifies three types of argument from analogy: "An argument from analogy may cite a similarity between qualities, a similarity between relations, or a similarity between structures."[15] There appears to be a similarity between analogies between entities and of qualities; and between ratios and relations.[16] A classification similar to those discussed above is proposed here. However, it is more useful to classify analogy on the basis of the type of claim established rather than purely on the basis of the type of comparison utilized. Sacksteder notes that his classification system is "cumulative," that "to cite a similarity of relations includes a similarity of qualities,"[17] which could lead to confusion in distinguishing between the various types of analogy.

Exemplary analogy is here defined to be a comparison of two (or more) particular instances of a given phenomenon so as to discover a datum about the nature of one instance. Thus, its function is to discover an item of information not yet known about one, from comparison with another example of that phenomenon in which that item of information is already known. This mass transit analogy is an example of this type of analogy. An extensional illustration is here defined to be a comparison of two (or more) fields or sets of circumstances so that a rule or generalization appropriate for the one field is found to be appropriate for the other as well. This form of analogy functions to extend a rule or generalization beyond its present scope. It should be noted that this may well employ an exemplary analogy to justify the extension of the rule to the other field, by comparing examples from each field so as to disclose their similarities. An example of this is Simons' extension of scientific methodology to rhetorical criticism.

In order to facilitate ensuing discussions, analogical arguments will be analyzed into two parts. The first part of the analogy is termed the initial instance or initial field. It refers to that part of the analogy inferred from. The remaining part of the analogy is termed the terminal instance or terminal field. It refers to that part of the analogy which is being inferred to. Thus, New York City's mass transit system is the initial instance; Washington, D.C.'s (potential) mass transit system is the terminal instance. The sciences are the initial field in Simons' analogy, while rhetorical criticism is the terminal field.

Universal agreement does not exist upon the appropriate test for soundness of analogical argument. For example, Thompson writes that "the basic test of an analogy is simply, 'Do the points of essential likeness outweigh those of essential difference?'"[18] An alternative view is expressed by Ziegelmueller and Dause, who suggest that a test of analogy is simply, "Are the compared cases alike in all essential regards?"[19] While these two tests may appear similar, the former sets a standard which is much too generous. While it is reasonable (actually, necessary) to allow some differences between compared instances, it seems unwise to accept as sound an analogy based on cases which are in any essential respects different. The latter test for argument by analogy is, therefore, preferable. Those characteristics which must be similar for one case to be analogous which another can be stated formally in what will be hereafter termed a rule of applicability. This rule states those conditions (as criteria) which must be satisfied for the two cases or sets of circumstances to be considered analogous and the inference to be considered sound.[20]

It is not claimed here that advocates typically make the rule of applicability explicit--or even that advocates in general consider such a rule. Rather, this rule is an abstraction of part of the reasoning process inherent in the justification of analogical argument. The advocate who does utilize this notion in his argument, however, makes clear the basis for his claim of validity (or soundness) for his analogy.

In the first illustration utilized earlier, the rule of applicability would state those conditions essential to a successful mass transit system, e.g., a certain geographic dispersal of housing, employment, shopping, and recreational opportunities; certain levels of resources, etc. If it is shown that Washington, D.C. meets these criteria, if it is similar to New York in all regards essential to the claim advanced, then a datum known to be true of New York City is inferred to be applicable to Washington, D.C. as well--namely that conditions are appropriate for a successful mass transit system.

In the second example, the rule of applicability would state those conditions essential to successful application of scientific research methodology, e.g., opportunities for observations of a large number of the phenomenon under investigation, availability of appropriate measuring tools, etc. If it is demonstrated that the field of rhetoric is similar to that of science in all regards essential to the claim advanced, then a rule or model of research applicable to science can be extended to cover the field of rhetoric as well.

It should be noted that one method of justifying an extensional analogy is to utilize an exemplary analogy. In that case, one (or more) instance from the field where the rule is accepted is compared with an instance from the field where the rule is not yet considered appropriate. One could attempt to justify the extension of norms of scientific research to rhetorical research in this fashion. This exemplary analogy would begin as any exemplary analogy in the field of science, with a rule of applicability stating the criteria for appropriate application of the example of scientific research to another instance of research. However, a difficulty develops here. Since scientific methodology is heretofore assumed to be valid only in the realm of science, one of the criteria of the rule of applicability would be that the terminal instance must also be in the field of science. Therefore, when utilizing an exemplary analogy to extend a rule from one field to another, the advocate must alter the rule of applicability so as to allow extension to a new field. The advocate must demonstrate that a criterion thus far assumed to be essential--in this case, that the example of research must be in the field of science--is not really essential. Only then can the exemplary analogy proceed, and if that criterion can indeed be shown to be nonessential, the extension of the rule from one field to another is justified. The rule of applicability has been altered so as to extend the scope of the rule.

Thus far, two types of analogy have been distinguished: exemplary analogy, which moves from an examination of two (or more) particular instances of a given phenomenon to discover some information about one of the examples; and extensional analogy, which extends a rule, method, or generalization from one field or set of circumstances to another based on observed, relevant similarities (both of these types of analogies could be characterized as forms of "literal" analogy; the former corresponds roughly with analogy from example and with Sacksteder's qualitative analogy, the latter with analogy of relations and with Sacksteder's relational analogy). The instance or field inferred from is termed the initial instance or field, and the instance or field inferred to is termed the terminal field. The test of an analogy is bound up with its rule of applicability. That rule states those criteria which must be satisfied for the datum or rule known to be true of or applicable to one field or example, to be inferred to be true or applicable to the other field or example. These criteria are the set of all conditions essential to the claim being advanced.

## Analogical Reasoning in Legal Argument

Justice Benjamin Cardozo, in his essay, The Growth of the Law, outlined some of the important characteristics of any viable legal system:

> Law must be stable, and yet it cannot stand still. Here is the great antimony confronting us at every turn. Rest and motion, unrelieved and unchecked, are equally destructive. The law, like human kind, if life is to continue, must find some path of compromise. The two distinct tendencies, pulling in different directions, must be harnessed together and made to work in unison. All depends upon the wisdom with which the joinder is effected.[21]

It is the contention of this paper that this joinder of stability with the ability to evolve, is effected to a significant degree through the utilization of the two types of analogical argument distinguished above. Support for this contention will consist of an examination of, first, the use of exemplary analogy by judges and lawyers to argue from past precedent to present case--commonly known as the doctrine of *stare decisis* (to stand by previous decisions)--and an examination of the use of exemplary analogical reasoning to reject a potential precedent case by demonstrating essential differences between it and the instant case (commonly known as distinguishing a case). Second, examples of the utilization of extensional analogy by the courts will be examined to show how a court can extend existing rules to cover new areas, facilitating evolution in the law.

## *Exemplary Analogy in Legal Argument*

From earliest times the courts in England--from which we draw much American law--recognized the value of employing past cases to decide current cases. Thus, one of the earliest English writers on the law states:

> If any new and unwonted circumstances, hitherto unprecedented in the realm, shall arise, then if anything analogous has happened before, let the case be adjudged in like manner (*si tamen similia evenerint per simile indicentur*), since it is a good opportunity for proceeding *a similbus ad similia*.[22]

This practice of following precedent has evolved into the legal doctrine of stare decisis, which requires that if a question decided in a past case is the same or substantially the same as that found in a case currently under consideration, then the court is (generally) obliged to follow the previous decision in ruling on the present case. *American Jurisprudence* discusses this doctrine:

> The determination of a point of law by a court will generally be followed by a court of the same or lower rank, if a subsequent case presents the same legal problem, although different parties are involved in the subsequent case. This judicial policy is frequently referred to as the doctrine or rule of stare decisis.[23]

*Corpus Juris Secundum* notes the limitations on this method of legal policy:

> However, the rule of stare decisis has a limited application in determining whether settled legal principles are applicable to a particular fact situation; and the positive authority of a decision is coextensive only with the facts on which it is founded, and can apply only in subsequent cases in which the facts are similar. Thus, while a decision is binding in a later case where the issues and the facts are the same or substantially the same, it is not conclusive in a later case if the facts are different.[24]

This parallels clearly the form of exemplary analogy. Two cases are compared, and, if they are found to be alike in all essential regards, then what is known about one--the way it was decided--is inferred to be appropriate for the other. The past case, the potential precedent, is the initial instance, and the instant case is the terminal instance. Furthermore, the courts utilize the appropriate test for this analogical argument: the former case serves as precedent only if the facts are the same (or substantially the same); no analogy can be drawn if the compared instances are different in essential regards.

American Jurisprudence indicates that the courts look to the previous case itself to determine whether or not the previous decision is applicable to the instant case:

> A prior decision on a legal point has stare decisis effect in a subsequent case only if the same or substantially the same question is involved in the later case. To determine whether the questions are identical or substantially so, the alleged precedent must be considered in light of the facts and issues existing in the prior case as determined from a reading of the prior opinion as a whole. Where the facts are essentially different, stare decisis does not apply, for a perfectly sound principle as applied to one set of facts might be entirely inappropriate where a factual variance is introduced.[25]

Thus, appeal to past precedent is not simply a matter of applying a rule articulated in a prior case; it is clearly an analogical process which examines the particulars of the alleged precedent. The court must look beyond the rule stated in the past decision and also examine the facts of the case in the potential precedent. If all of the facts essential to the decision in the first case are found in the second case, and if there are no important facts present in the second case absent from the first, then the facts are "the same or substantially the same" and stare decisis requires (in general) that the decision of the earlier case be applied in the later case.

If, however, an attorney (or the court itself) can point to an essential element not found in both cases, then the former case is distinguished from the case currently under consideration. In that instance, no analogy can be drawn between the two cases, and the decision of the former is not applicable to the latter.

Thus, exemplary analogy serves to give the law stability, a sense of justice, and it provides the opportunity for citizens to conform their behavior to a predictable law. This function of analogy was elucidated by Bodenheimer:

> A fundamental tenet of justice demands that essentially similar situations be treated in the same way by the law. It is the purpose of analogous applications of rules to aid in the implementation of this axiom by an equal treatment of cases falling under the same principle of policy.[26]

Exemplary analogy is frequently utilized by our legal system, and serves the important function of facilitating stability in our legal system through application of past precedent to present case.

## Extensional Analogy in Legal Argumentation

Just as the utilization of exemplary analogy to move from past precedent to present case (on the basis of the principle of stare decisis) stabilizes the law, the use of extensional analogy in the application of established rules to new circumstances or fields allows the law to evolve. This contention will be supported mainly from an examination of actual court cases to illustrate this application of extensional analogy.

An excellent example of this evolutionary process can be found in the landmark case of Pearlman v. Feldman.[27] In that opinion Chief Judge Clark (of the Second Circuit Court of Appeals) held that Feldman (the Director and majority stockholder of a corporation) was liable to the minority stockholders for selling control of the corporation through selling a block of stock at a significantly higher price per share than was obtained by the minority stockholders. In arriving at this decision the Court found that as a director Feldman has a fiduciary duty to the corporation. The court then defined the responsibility that was entailed by such a relationship by comparing the director-corporation relationship to the fiduciary relationship existing between a trustee and the beneficiary of that trust. The Court reasoned:

> Both as a director and as a dominant stockholder, Feldman stood in a fiduciary relationship to the corporation and to the minority stockholders as beneficiaries thereof... His fiduciary obligation must in the first instance be measured by the law of Indiana, the state of incorporation of Newport... Although there is no Indiana case directly in point, the most closely analogous one emphasizes the close scrutiny to which Indiana subjects the conduct of fiduciaries when personal benefit may stand in the way of fulfillment of trust obligations.[28]

Here, the Court compared a relationship in the initial field where the fiduciary relationship has been defined--trustee-beneficiary--with the relationship existing in the instant case or terminal field--director-corporation (and thus director-stockholder)--and decided that the rule which applies to the first relationship--strict scrutiny--should be extended to apply to the new relationship in another field. This exemplifies the court-s utilization of extensional analogy to extend the scope of a previously established rule.

Bodenheimer also notes this utilization of analogy in legal reasoning:

> Reasoning by analogy involves the extension of a legal rule to a fact situation not covered by its words but deemed to be within the purview of a policy principle underlying the rule. If there is a rule, for example, that the executor of a will is precluded from bringing actions outside the state of his appointment, it might be extended by analogy to an administrator of an estate. This extension would be predicated on the rationale, held to be implicit in the rule in question, that the authority of court-appointed functionaries to act

> in a representative capacity should be limited to the jurisdictional limits of the state in which they are performing official acts. Another example of analogy would be the application of a rule, or set of rules, imposing liability for negligent performance of obligations on vendors, purchasers, landlords, tenants, and bailees to other categories of obligors, in the absence of cogent arguments favoring the limitation of the principle to the enumerated groups.[29]

Thus, extensional analogy is a viable tool for extending a legal rule from one set of circumstances or field to another. This form of analogy serves to allow evolution to the law, to allow application of rules to analogous situations so that the fundamental fairness of the law is facilitated.

## Mapp v. Ohio--An Illustration of Analogical Argument

The importance of both exemplary and extensional analogy in legal argumentation and decision-making is illustrated by the utilization of these forms of argument in the case of Mapp v. Ohio,[30] which is one of the most important cases ever decided in history of criminal procedure. Prior to Mapp, the Court had ruled that evidence seized by Federal officers in violation of the Fourth Amendment's prohibition of illegal search and seizure was inadmissable in court. This exclusionary rule was first articulated in the case of Weeks v. United States.[31] However, in Wolf V. Colorado, the Court decided that "for a state crime the Fourteenth Amendment (prohibition of violation of due process of the law by the state action) does not forbid the admission of evidence obtained by an unreasonable search and seizure."[32]

In the instant case, the defendent was convicted of possession of pornographic literature in violation of Ohio statutory law. Her conviction was based primarily on evidence seized in an illegal search of her house. Some of the arguments made by the State of Ohio, by her defense counsel, and some of the arguments cited by the Supreme Court's decision in this case contain various arguments from analogy.

The State urged that her conviction be upheld upon this appeal. Its brief claimed, among other things, that the decision of the instant case should be guided by decisions in certain potential precedents. It cites Supreme Court opinions in the Irvine v. People of State of California and Wolf v. Colorado, as well as the State v. Lindway decision (which the Supreme Court had denied an appeal in, thus tacitly approving of it).[33]

The State also urged that a case advanced by the appellant--Rochin v. California--should be distinguished from the present case:

> The defense claim that the appellant's constitutional rights were disregarded by the police in obtaining evidence in this case, and cite Rochin v. California, 342 U.S. 165, in support of that contention. No physical examination of the appellant was made to secure the evidence which was the basis for this prosecution,

> as was done in the Rochin case. It is therefore inapplicable, and the Supreme Court of Ohio so held in its opinion.[34]

Thus, it is claimed that a criteria essential to the rule of applicability in the Rochin case--a physical examination of the defendent--is absent in the instant case. Therefore, the State contends that the Mapp case should be distinguished from it, and that the decision in the Rochin case not be binding on Mapp.

The appellant's brief, as suggested by the response of the State, advances Rochin v. California as a potential precedent.[35] It is also argued that the Mapp case be distinguished from State v. Lindway--one of the cases advanced by the State. In the latter case, the defendent was suspected of making bombs. Mapp's attorney is claiming that since bomb-making is more dangerous than possession of pornography, the admission of illegally-seized evidence may be justified in the prosecution of a criminal dangerous to society, but not in the prosecution of possession of pornography.[36] Thus, the claim is made that these two examples differ in an essential regard, and so the decision of the earlier case is not applicable to the current case.

The Supreme Court in its decision suggests the presence of an extensional analogy. First, it notes that the Wolf decision should be overruled:

> Today we once again examine Wolf's constitutional documentation of the right to privacy free from unreasonable state intrusion, and, after its dozen years on our books, are led by it to close the only courtroom door remaining open to evidence secured by official lawlessness in flagrant abuse of that basic right, reserved to all persons as a specific guarantee against that very same unlawful conduct. We hold that all evidence obtained by search and seizures in violation of the Constitution is, by that same authority, inadmissable in a state court.[37]

This implies, of course, that the exclusionary rule should be extended from federal to state action as well. Later, they specifically note that they are "extending the substative protection of due process to all constitutionally unreasonable searches--state or federal."[38] Thus, extensional analogy is illustrated by the Supreme Court's expansion of the exclusionary rule from federal searches and seizures to all searches and seizures.

Thus, the Mapp case illustrates analogical argument on three levels. First, both prosecution and defense urge that decisions in past cases be held as precedents. Second, both prosecution and defense urge distinction of cases advanced by their opponents as precedents. Finally, the court extends the extensional rule from federal action to state action.

It appears that analogical argument not only is utilized frequently in the judicial system, but that it serves important functions there as well. Exemplary analogy provides stability to the law through the doctrine of stare decisis. Extensional analogy allows the law to evolve by extending rules to analogous situations. Both serve to facilitate fundamental fairness--to help assure that equal situations receive equal treatment.

# FOOTNOTES

[1] Most debate texts discuss argument from analogy. See, for example, Douglas Ehninger, "The Logic of Argument," in James McBath, ed., Argumentation and Debate (New York: Holt, Rinehart, & Winston, 1963), pp. 187-189; Douglas Ehninger and Wayne Brockriede, *Decision by Debate* (New York: Dodd, Mead & Co., 1972), pp. 139-144; Austin Freeley, *Argumentation and Debate* (Belmont: Wadsworth Pub. Co., 1971), p. 120; James McBurney and Glenn Mills, *Argumentation and Debate* (New York: Macmillan Co., 1964), pp. 133-4; Wayne Thompson, *Modern Argumentation and Debate* (New York: Harper & Row, 1971), pp. 128-131; or George Ziegelmueller and Charles Dause, *Argumentation: Inquiry and Advocacy* (Englewood Cliffs: Prentice-Hall, 1975), pp. 97-100.

[2] Gladys Murphy Graham, "Analogy--A Study in Proof and Persuasion Values," *Quarterly Journal of Speech* 14 (November 1928), pp. 534-542; John Kozy, Jr., "The Argumentative Use of Rhetorical Figures," *Philosophy and Rhetoric* 3 (Summer 1970), pp. 175-177; James S. Measell, "Classical Bases of the Concept of Analogy," *Journal of the American Forensic Association* 10 (Summer 1973), pp. 1-10; James Scott Measell, "Development of the Concept of Analogy in Philosophy, Logic, and Rhetoric to 1850," Ph.D. dissertation, University of Illinois, 1970; James C. McCroskey and Walter H. Combs, "The Effects of the Use of Analogy on Attitude Change and Source Credibility," *Journal of Communication* 19 (December 1969), pp. 333-339; William Sacksteder, "Analogy: Justification for Logic," *Philosophy and Rhetoric* 12 (Winter 1979), pp. 21-40; William Sacksteder, "The Logic of Analogy," *Philosophy and Rhetoric* 7 (Fall 1974), pp. 234-252; Karl R. Wallace, "On Analogy: Re-definition and Some Implications," in *Studies in Speech and Drama in Honor of Alexander M. Drummond* edited by Herbert A. Wichelns, Donald C. Bryant, Barnard Hewitt, and Karl R. Wallace (Ithaca: Cornell University Press, 1944), pp. 412-425; and James R. Wilcox and H. L. Ewbank, "Analogy for Rhetors," *Philosophy and Rhetoric* 12 (Winter 1979), pp. 1-20.

[3] See Wallace p. 413 for a similar view. This version was suggested by James S. Measell in a personal communication, 1979.

[4] Herbert W. Simons, "'Genre-alizing' About Rhetoric: A Scientific Approach," in *Form and Genre: Shaping Rhetorical Action* edited by Karlyn Kohrs Campbell and Kathleen Hall Jamieson (Falls Church, VA: Speech Communication Association, [1978], p. 34.

[5] For discussions of literal analogy, consult Ehninger, pp. 187-188; Ehninger and Brockriede, pp. 139, 142; Freeley, p. 120; McBurney and Mills, p. 133; Thompson, pp. 128-131; and Ziegelmueller and Dause, pp. 97-99.

[6] Figurative analogy is treated by Ehninger, pp. 188-189; Ehninger and Brockriede, pp. 142-144; Freeley, p. 120; McBurney and Mills, p. 133; Thompson, p. 131; and Ziegelmueller and Dause, pp. 99-100.

[7] See Freeley, p. 120 or Ziegelmueller and Dause, p. 99.

[8] Wallace, p. 421.

[9] Most introductory logic texts distinguish between validity and truth. Validity is concerned only with the question of whether the premises of an argument--if *assumed* to be true--warrant confidence in the conclusion. See, e.g., Stephen N. Thomas, *Practical Reasoning in Natural Language* (Englewood Cliffs: Prentice-Hall, 1977), pp. 69-71.

[10] Richard Rieke and Malcolm Sillars, *Argumentation and the Decision-Making Process* (New York: John Wiley and Sons, 1975), p. 84.

[11] John Stuart Mill, *Philosophy of Scientific Method [A System of Logic*, abridged] Ed. Ernest Nagel (New York: Hafner Press, a division of Macmillan Pub. Co., 1950), p. 56.

[12] Richard Whately, Elements of Logic Ed. Ray McKerrow (Delmar, N.Y.: Scholars' Facsimiles and Reprints, 1975), pp. 168-169.

[13] Richard Whately, *Elements of Rhetoric* Ed. Douglas Ehninger (Carbondale: Southern Illinois University Press, 1963), p. 86.

[14] Wallace, p. 413.

[15] Sacksteder, "Logic of Analogy," p. 237 (Italics omitted).

[16] It is not exactly clear what Sacksteder refers to by analogies of structure, for he fails to operationalize this notion through concrete examples. However, it may be similar to Wallace's notion, for both consider the essential nature of analogy to be "isomorphic" (Wallace, p. 419: Sacksteder, "Logic of Analogy, p. 241).

[17] Sacksteder, "Logic of Analogy," p. 238.

[18] Thompson, p. 130. See also Ehninger, p. 188 and Ehninger and Brockriede, p. 140, for similar tests of argument by parallel case--which appears to be essentially the same as our exemplary analogy.

[19] Ziegelmueller and Dause, p. 115. See also Freeley, pp. 121-122.

[20] Sacksteder, "Logic of Analogy," discusses a similar notion--see p. 236.

[21] Benjamin N. Cardozo, *The Growth of the Law* (New Haven: Yale University Press, 1924), p. 2.

[22] Sir Carleton Kemp Allen, *Law in the Making* 7th edition (Oxford: Oxford University Press, 1964), p. 188 (quoting the treatise of Brackton).

[23] *American Jurisprudence*, "Courts," (Rochester: Lawyers Co-Operative, 1974), 2nd edition, vol. 20, § 183.

[24] *Corpus Juris Secundum*, "Courts," (Brooklyn: American Law Book Co.. 1953) vol. 21, § 210.

[25] *American Jurisprudence*, § 191.

[26] Edgar Bodenheimer, *Jurisprudence: The Philosophy and Method of the Law* 2nd edition (Cambridge: Harvard University Press, 1974), p. 390.

[27] Pearlman v. Feldman, 219 F.2d 173 (2nd Cir. 1955), cert. den. 349 U.S. 952.

[28] Ibid.

[29] Bodenheimer, p. 389.

[30] Mapp v. Ohio, 367 U.S. 643 (1961).

[31] Weeks v. United States, 323 U.S. 383 (1914).

[32] Wolf v. Colorado, 338 U.S. 25 (1949).

[33] "State of Ohio v. Dollre Mapp ... Appealed from the Supreme Court of Ohio--Brief of Appellee on the Merits," in *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law* edited by Philip B. Kurland and Gerhard Casper (Arlington, VA: University Publications of America, 1975), vol. 55, pp. 1124-1125.

[34] Ibid, p. 1124.

[35] "Brief of Appellant on the Merits," p. 1103.

[36] Ibid, pp. 1104-1106.

[37] Mapp v. Ohio.

[38] Ibid.

# THEORETICAL HURDLES FOR THE ADVOCATE IN RAPE TRIALS

Ralph Towne
and
Steven M. Weiss

Let us presume you have just been selected as a juror for a rape trial. The judge addresses you and eleven of your peers with the following:

> Ladies and Gentlemen of the Jury:
>
> You have been selected for an extremely important activity. You have a great responsibility ahead of you. You must take on this task with great seriousness. You have been selected as the jury for the case of the State vs John Doe. That is, you must decide whether John Doe raped Jane Roe.
>
> You are to listen carefully for the next several days to all the evidence you will hear and, based on that evidence and that evidence alone, determine whether the State proves to you, "beyond a reasonable doubt," that John Doe had forceable, sexual intercourse with Jane Roe against her will.
>
> You must make no decision before all the evidence has been presented. You must make your determination from the facts presented and those facts alone.
>
> As the trial proceeds, you will notice that you will hear conflicting descriptions of events among the witnesses. Their stories will vary in detail. Even a given witness's testimony may change from time to time during the trial. You must record these differences in your mind, remember them, and later in the jury room decide whose version you will accept. You will have to decide how significantly the stories vary and how important is the variation. Ultimately, you will have to decide who to believe.
>
> My function is to tell you what the law is and to explain it to you if you have questions about it. You, and you alone, are responsible to determine what the facts of the case are. You are the fact-finding body, not the opposing attorneys, not even me.
>
> You will, from time to time, hear one or the other attorney object to questions raised or testimony given. At that time I shall rule. If I sustain the objection, you will disregard the information in making your decision. If I overrule the objection, you may consider the material.
>
> The prosecution will begin the trial. Upon completion of the State's case, the defense may or may not present a case. And even if the defense decides to present a case, John Doe may or may not take the stand. You must remember that Mr. Doe does not have to take the stand in his own behalf. You must not reach any conclusion from

his willingness or unwillingness to take the stand. He is the defendant and is innocent until he is proven guilty. It is vital that you remember this. In our system, a man is innocent until proven guilty.

With this in mind, we shall begin the trial. Will the prosecution please begin its case.

What you have just heard is an hypothetical opening speech by a judge to a jury. Though it is hypothetical, it is not atypical of what you would hear were you empaneled as a juror in a rape trial. It includes all of the major topoi of such speeches. We wish to analyze this speech with you, examining a number of contradictions inherent to the courts, as presently structured, which can impose significant hardship on the advocates in a rape trial unless they are thoroughly aware of the total courtroom model. Our present considerations are theoretical about the structure of the courts rather than psychological (though there are many psychological problems as well).

First, the judge insists that the jury is a fact-finding body. The jury must base its decision on the evidence (used interchangeably by the courts with "facts") presented and that evidence alone. They are told to listen to all the testimony, render no decision until all has been presented, and then decide what happened on the facts alone. The jury's function is investigatory. They must determine what the facts of the case are and render judgment accordingly. They are asked to listen and decide whether the facts show "beyond a reasonable doubt" that John Doe did, or did not, rape Jane Roe.

And yet we are sure you would all agree that this is a strange fact-finding, investigatory body. It is one which: (1) has others, the advocates, select for it which "facts" it will hear; (2) has another, the judge, determine for it what is relevant and what is not, what they may consider and what they must disregard; and (3) has outsiders, the advocates again, do all of its investigation and research for it. What an unusual fact-finding group!

Second, an investigatory situation is established for truth-seeking. Such a truth-seeking situation is customarily supplied with all of the normal techniques of inquiry. But not so in this particular situation. At work here are also additional techniques of advocacy. These are the very techniques which many people like ourselves have argued may be used for the examination of truth but more often are the techniques used for winning a decision whatever the truth may be. We contend that the courtroom is a good deal more like the latter case than the former and is, therefore, a good deal more like a battlefield than a laboratory.

Third, the judge reminds the jury to suspend judgment until all the evidence has been presented. Literally, this must mean that the jury does not know and should not try to figure out whether or not John Doe raped Jane Roe until they have been sent to the jury room. This is after all the testimony, the closing speeches of the two attorneys, and the final charge of the judge, when he will carefully explain the rape laws to the jury.

One might wonder whether such a caveat is even humanly possible in the debate format of the courtroom (a psychological question). But there is yet another structural inconsistency we wish to observe. While the jury is to reach no decision until trial's end, they are also cautioned strongly to remember that the defendant is innocent until proven guilty. They must and must not suspend judgment. They must reach no conclusion until they deliberate but must carry with them throughout the entire trial the judge's words and the fundamental principle of our legal system which proclaims the innocence of the defendant.

Fourth, and finally, the judge asks the jury to consider the question of fact, whether or not John Doe raped Jane Roe? We contend that this direction is incorrect in two ways. To begin, that which is being considered is not a question of whether the defendant is or is not guilty. Because of the debate format, they consider no question of guilt or innocence but the proposition of guilt, Resolved: That John Doe raped Jane Roe. The defense is not required to investigate the innocence of John Doe. They merely may hold that the prosecution must prove guilt. Innocence is not necessarily established. It may be only the case that the defendant is not proved guilty.

Even more important, however, in its influence on the burden of the advocates is what seems to us a mistake of both the courts and our argumentation theory. The courts and our theory both contend that a proposition of fact is being argued in the courts. We do not believe this is the case. Part of the defense for our position can be found in the rape trial itself as well as the judge's opening comments. In the rape trial, a major issue the jury must decide is the believability of the woman who claims to have been raped. While on some occasions others are present who can corroborate her testimony, rarely is this the case. Corroboration of the particular act of rape is hard to come by. Most frequently, the jury must decide whether it believes the woman's description of the rapist and/or believes her when she claims she was attacked, there was sexual intercourse, and that there was intercourse without her consent. The believability of the woman is fundamental to the trial and the jury's decision. And to determine her believability, the jury must make use of a great deal more than the "facts" of the case described by the woman. At the very least they are making a very complicated value decision in the trial rather than trying to decide on the proposition of fact alone.

But, further, when the jury passes a verdict of guilty, to the supposed proposition of fact, we believe they are also saying, "and should be punished." Without this addition to the decision, there would be no real reason to have the trial. If all they were deciding was guilt and did so, the judge would say to the defendant, "The jury has found you guilty as charged," and then adjourn the court. Nothing further would happen. And if this were the case, who would want to play such an expensive, traumatic, absurd game? No, the jury has to presume that it is recommending that the man be punished or not for the rape as well or the whole affair becomes quite unacceptable. A simple proposition of fact is not what the jury is considering.

An alternative proposition that can be offered, then, is Resolved: That John Doe raped Jane Roe and should be punished for it. This at least justifies the need for a trial. Something is going to happen from all the unfortunate proceeding. If something like this proposition can be seen to be at the heart of the debate, it permits us to see that there is probably some underlying proposition of policy being argued. And yet this proposition does not yet satisfy us. The act of naming guilt is separated from the act of sentencing by the courts.

From the initial realization, though, we discover a policy proposition which really does seem to underlie the activity at the rape trial. That is, Resolved: That you (the individual jury) should vote that the defendant John Doe raped Jane Roe. This seems more clearly to represent what the jury's responsibility is for they do not always have control over sentencing (though they still presume that punishment will result and are recommending it with a guilty decision--a plan detail or plank, as it were). This proposition seems to account better for some of the actions that do take place in the rape trial than the simple proposition of fact which we shall begin to see in the next section of the paper.

We, therefore, conclude that the model of the trial held by the court (and some argumentation theory as well) involves a number of major inconsistencies. Among others, the court conceives of the trial as a fact-finding investigation to determine truth whereas the process followed is one of advocacy structured to give a win to one side or the other. Further, consistent with the notion of inquiry, the jury is told to suspend all judgment until the end of the trial. At the same time they are warned to hold the defendant innocent until proven guilty. Finally, the court presumes that a proposition of fact is being debated and this is not the case. At least a very complicated proposition of value is present, the believability of the woman, and probably a proposition of policy. The courtroom model is indeed a complex mixture of elements which intermingle with each other, sometimes consistently and sometimes inconsistently.

One way for us to deal with the inconsistencies in the model, if inconsistency is annoying to us, is to determine the consistent pattern we favor and campaign for legislative change of the courts. Some have lobbied successfully to effect such change. Witness the reasonable success in restricting the use of "past sexual history" of the woman in rape trials. (We believe this particular modification may not have been wise, by the way. There is evidence to suggest that juries want such information anyway. This being the case, they can build all sorts of damaging images of the woman in their minds given some of the covert implications that a defense attorney can offer and which are virtually impossible to stop. In addition, much is called to the jury's mind by the details of the incident itself and the surrounding context. For instance, imagine what an active imagination can do with the following facts: the woman was drinking beer with a friend at 2:26 am in a bar; a man, the defendant came up and after a little conversation offered her a "joint" if she would go out to his car to get it; she accepts, gets into the car, they drive, park in a dark spot, have a smoke; he rapes her she claims. Without a balance of the real past sexual history of the woman which may be as pure a life as the Virgin Mary, the creative imagination can easily destroy the woman's character and, therefore, her believability.) The process of change is slow, however, so the advocates must find ways to account for and adapt to the model rather than bemoan it.

How a given attorney adapts will, of course, depend a great deal on the particulars of a given case. If, for instance, the raped woman is a sweet, young thing who is able to maintain her composure under the difficult conditions of strenuous cross-examination, the prosecutor may choose to treat the whole trial as a fact-finding search for truth. If the defense has a client who is the All-American boy who is alleged to have raped a sixty-three year old woman, he may well build a whole case on this anomaly and worry almost not at all about the "facts" of the case. Given an act so distasteful and bizarre, the prosecutor may well choose to develop other issues of the policy proposition (like the threat to society of a sick defendant, for instance). Presented with certain conditions in the particular case, the attorneys must be aware of the problems presented in the first half of this paper and select their rhetorical strategies accordingly.

However, even with the variability of the particular, the previous analysis does lead to a number of important observations for the attorneys in the rape trial. First, they must understand that the process in which they are involved is one of advocacy, not inquiry. Scientific demonstration is not what is going on. The "facts" in and of themselves do not win the trial. The process is rhetorical in the fullest sense of the term. At a minimum, the facts must be spun into a believable web. There is no scientific data unconnected to the whole panoply of rhetorical strategies. The attorneys must clearly distinguish between finding the facts and finding the way to present them. These observations do not, by the way, prohibit an attorney from treating the trial as if it were a science laboratory interested only in the "facts." If this approach is taken, though, the attorney must recognize a rhetorical choice has been made designed to produce a winning decision. In spite of the strategy selected, the situation is not a scientific inquiry. And the selection is only one of many approaches that one can take. It does not exhaust the possible case approaches.

Second, the attorneys must be much more conscious of the "real" burden rather than just the legal burden. The prosecutor has, at least, the responsibility of convincing the jury that the woman is believable. The jury is surely not going to suspend judgment until the end of the trial. One reason for this will be based on the believability of the woman claiming rape. The defense must not make firm decisions about its case until the woman has testified and been cross-examined. Depending on the estimated believability of the woman, the defense may choose a range of cases from simply resting to putting the defendant on the stand. The comparative believability must weigh heavily in the decision. The jury is placing the burden in their minds and both attorneys, but particularly the defense, must be aware of the issue. When the attorneys realize that the court is fundamentally contradictory on the whole issue of burden, then it opens further cautions for case construction.

Finally, the attorneys must be able to adapt to what is probably being decided upon--a policy proposition rather than a proposition of fact. This is of primary importance to understand the inherent issues underlying a given jury's decision. If we presume the proposition of fact in the rape trial, there are only three basic issues in the trial. Did the man have (1) forceable, (2) sexual intercourse with this woman, (3) without her consent? Such an analysis permits a relatively simple case based upon a handful of particular assertions with their evidence advanced by the prosecution and denied by the defense.

But as we realize that there may well be a proposition of policy being considered (Resolved: That you [the juror] should vote that John Doe raped Jane Roe) the issue analysis is no longer the same. Any good debate coach worth his or her martini can make clear for both the defense and the prosecution the standard issues inherent to propositions of policy. It, then, requires only that the advocates spin a web around the details of the case in such a way as to imply the issues to the jury.

The prosecutor may decide, for instance, to build a case around the "evils in the status quo" (the status quo being described as having this evil, perverted man, John Doe, loose on the streets). The strong implication for the jury as the "hideous" story is revealed is the threat to themselves, their wives, their daughters. Then, rather than having the woman's character tarnished by being required to tell the ghastly tale in public for all to hear, the story that none would repeat even to their closest friend, she becomes a person who is trying to save the community from this apparent "monster."

Or a defense attorney may want to structure a case which emphasizes the real danger of putting an innocent man behind bars for 30 years. We must presume that in any crime where "consent" is a major issue, doubt can be raised. What makes the doubt a "reasonable doubt" may be the defense attorney's dependence upon a fear of false convictions--a serious "plan disadvantage."

The major point to be emphasized in this final observation for the advocates is that they must not be limited in their issue analysis. For either of them to assume that the topic being debated is a proposition of fact is probably incorrect. For either of them not to employ a policy analysis cheats themselves, and ultimately their client, out of the available means of persuasion in the given case.

## THEORY AND CRITICISM

# THE "IDEOGRAPH" AS A UNIT OF ANALYSIS IN POLITICAL ARGUMENT

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Though we think more often of the substantive ideas it spawned, the French Revolution also produced a unique orientation to thought in general, a perspective centered on the concept "ideology." This new concept emerged in 1795 out of the perceived need to change the mass self-conception of a French people previously conditioned to Royalist or *ancièn règime* worldview. The habits of thought, the established commonplaces of argument, which had been effective in confronting the collective life in 1780 were after the Revolution inappropriate and in many cases counterproductive, "reactionary" and in a way more dangerous to the new order than an enemy army. Thus the Convention created the Institut de France, charging elite academics with the job of "re-educating" the French people. These pedagogues chose the strategy of characterizing the human "idea" as historical process rather than as a discrete thing belonging to the individual. "Idea," in other words, was said to be a complex, collective phenomenon which evolved over long periods of time in response to various and changing circumstances. The formal study of this process could be called "ideology," the science of ideas, and practitioners might be thought of as "ideologues." If each member of the French polity studied "ideology" as part of his/her formal education, the notions of the *ancièn règime* could be presented as a step along the road to more enlightened and noble ideas associated with the new order. So we have the first of a series of examples in recent history of bending the educational process to the service of the state, making our schools into instruments of propaganda by insisting on "quality control" with regard to the teaching of values, interpretations, judgements of all sorts.[1]

At least in its original sense, there would seem to be an intimate and obvious connection between "ideology" and "rhetoric." Yet, despite the appearance of close association, the concepts "ideology" and "rhetoric" developed in isolation. Only very recently have the two traditions been associated with the intention of using one idea to enrich or fortify the other: Among social theorists, the notion "rhetoric" has been avoided in favor of the more scientific concept of "communication research." The claim is clear, however, that ideology must be studied by analyzing the messages which "persuade" individuals to accept the "reality" of life as it is pictured in "the products of the culture industry, film, magazines, illustrated newspapers, radio, television, and the best-seller literature."[2] Among students of rhetoric interested in "movements" or in "generic criticism," the term "ideology" is used with an increasing frequency, albeit in a casual manner, to describe either the inventional sources or the actual collection of arguments used by a group to articulate and protect special interests.[3] And among writers who study "ideas" for their history and not for their social or political function, a curious union of "rhetoric" and "ideology" is provided by their use as competing methods of organizing and interpreting historical data: Bailyn has used the concept "ideology" with profit, while Pocock is convinced that "rhetoric" is the more useful concept.[4]

As Lichtheim has observed of "ideology" and Scott of "rhetoric," the two concepts are ambiguous and subject to perplexing terminological abuse even in the traditions which spawned them.[5] If there is to be profit in linking the concepts, therefore, we must be careful neither to borrow gratuitously nor to impose presumptuously one tradition from/upon the other. In this essay I shall try to avoid the stretching or mystification of either term: It will be argued that links between "rhetoric" and "ideology" are simple, straightforward, and empirically verifiable in the body of public discourse. I will suggest that both concepts derive from the need to explain human motives, particularly those which actuate public behavior. Each idea is wholly dependent on the language which is used to communicate or control human belief and behavior, and it is through an analysis of the language in which "ideology" is expressed that one can derive a verifiable conclusion regarding the state of a public consciousness. "Rhetoric," in short, is a genre of public discourse in the context of which demands are put upon the belief or behavior of "the people," at large and in specific. Rhetoric is capable of generating social reality, a mass "consciousness" or "ideology" which is false" only because it is a creature of faith and commitment and thus beyond or prior to both empirical verification and the criticism of logically coordinated inferences.[6] Once created, an ideology becomes the primary inventional source for future rhetorics, future persuasive surgeries upon the mass consciousness. My interest in this process is essentially methodological, for I am convinced that the nature, and even the fundamental existence, of an "ideology" can be established only through careful analysis of specific rhetorical documents; and, vice versa, I am convinced that any assessment of the social effect of rhetoric must be made with reference to that "ideology" which is simultaneously both the source and the object of public persuasion.

## Human Motive

One of the nagging problems of the last two centuries, and particularly of the twentieth century, has been our inability to gauge and describe specific human "motives." We can see and describe the conduct or behavior of individuals, but when we ask, "Why did she/he do that thing?" we enter a realm of almost metaphysical speculation. So, for example, the only "non-scientific" specialty in medicine is psychotherapy, where, in effect, we "brainwash" individuals who are engaged in "aberrant" behaviors by "conditioning" them to adhere to "acceptable" principles of conduct. We determine which motives are acceptable by a survey of "normal" individuals, and we proceed with our "conditioning" by creating a persuasion out of our analysis and description of dreams, myths and such non-empirical or metaphysical concepts as "Id," "Ego," and "Fantasies." So obvious is our "witch-doctoring" that psychiatrists are referred to in common parlance as "shrinks," and even among psychoanalysts there have been admissions that psychotherapy is in the end a tyranny of the majority.[7]

Though primarily it affects our judgements of personal conduct, the more consequential manifestations of the problem of determining "motive" are social, affecting human collectivities. Thus when our Leaders choose a particular mode of conduct, it is important for us to believe that they are sincere and motivated by acceptable principles of public welfare. Because justifying one's behavior with argument discloses "motive," it has been true through the course of history that, as Namier observed, "even Kings have felt constrained to give reasons."[8] If a Leader can convince the people that she/he acts only in the public welfare, his/her power is thereby magnified by the process of acquiescence Locke describes:

> He that will look into the history of England will find that prerogative was always largest in the hands of our wisest and best princes, because the people observing the whole tendency of their actions to be the public good . . . acquiesced in what they did, and without the least complaint, let them enlarge their prerogative as they pleased, judging rightly that they acted conformably to the foundation and end of all laws, the public good.[9]

Because, as Edmund Burke argued, Leaders have much to gain by seducing the people into a good opinion of them, we can never be sure of their pious claims.[10] So all of us must be critics of sorts, evaluating first the sincerity of our Leaders and then the principles of public conduct they recommend: When a Richard Nixon claims for his motive "the principle of confidentiality," it must first be decided whether he is expressing his true ideal or trying to save his power, and then we must judge whether or not the alleged "principle of confidentiality" is an acceptable motive of public behavior.

In making these collective judgements, however, we have forced upon ourselves the same sort of majoritarianism which handicaps our judgement of individual motives. For "Id" and "Ego" we have substituted the concepts "rhetoric" and "ideology": Thus, in deciding if a particular Leader is, as he claims, one of Locke's "God-like Princes," we say that his justifications are on a dialectical continuum between "Nixon's honest conviction" at one extreme and "Nixon's campaign rhetoric." If we believe the Leader to be virtuous, we subsequently characterize his argument substantively as "Nixon's philosophical principle" at one extreme, or, with a pitiful tone, we label the argument "Republican ideology" and suggest that poor Nixon is a victim of his conditioning. These sets of opposites ("Sincere/Rhetorical" and "Philosophical/Ideological") indicate that we have made a sound judgement, for in using technical terms such as *rhetoric* or *ideology* we say that a Leader is sincere, but that we do not like what we have been told.

A single paradox underlies our difficulty with the problems of "motive." Whether we deal with a person supposed to be "insane" or a Leader supposed to be driven by dedication to the public good, we conceive "motive" to be an *objective* thing. We observe the conduct of individuals, translating their stated beliefs and observed behaviors into a vocabulary of descriptive and supposedly "value-neutral" terms.[12] We come up with a thoroughly fictional invention which is wholly dependent upon a technical vocabularly. "John Doe engaged in thus-and-such behavior which we can describe with our vocabulary of purely descriptive concepts." We then submit our full-styled story (emphatically not the behavior *qua* behavior) to an "analysis of consistency"; that is, we inquire whether or not our conceptions, grammatically, are general enough to comprehend all analogous behaviors which we can observe and logically coordinate. Should a random set of behaviors sensibly fit the generic term imposed upon them ("neurosis," for example), we think that we have explained a human motive; in fact, we have explained nothing except the premises and terms of our own story, the meanings of words fabricated by an observer. As Szasz suggests, "objectivists" say a great deal about themselves, as translators, but little about the motive of John Doe:

> Language has three main functions: to transmit information, to induce mood, and to promote action. . . .
>
> The social sciences -- psychiatry among them -- are devoted to the study of how people influence one another. The promotive use of language is, therefore, a significant aspect of the observations the social sciences seek to describe and explain. A major difficulty in this enterprise is that the social sciences . . . use everyday language, which is often imprecise and which lends itself readily to promotive usage. Thus, psychiatric and sociological descriptions frequently offer promotive statements in the guise of cognitive assertions. In other words, while allegedly describing conduct, psychiatrists often prescribe it. Calling a person mentally sick is an example: it asserts, or implies, that his behavior is unacceptable and that he should conduct himself in other, more acceptable ways. When social science functions in this fashion, its own formulations present a barrier against the recognition of the very phenomena it seeks to elucidate and comprehend. . . .
>
> Terms like 'neurosis,' 'psychosis,' 'mental illness' -- indeed, the whole gamut of psychiatric diagnostic labels -- function mainly as counters in a pseudomedical rhetoric of rejection.[13]

The invention of what Ortega calls a "physico-mathematical" and "objective" vocabulary of motives misleads us because we come to think of our own analytic terms (e.g. "neurotic") as purely cognitive or empirical when in fact such terms have no referent outside the mind of the analyst. They reflect a subjective social reality, an agreement among us as to "acceptable" or "unacceptable" conduct, but the "objectification" of that reality is a fallacy, "rhetoric, the trimmings of childish presumption . . . the terrorism of the laboratory."[14]

The paradox, of course, is not our lack of objectivity; rather, our predicament derives from the piety with which we insist on maintaining objectivity when dealing with inherently subjective matters. We are afflicted by an impulse to credit only "objective" demonstrations, but at the same time there is a general inability in judging both public and private motives to be "objective" in practice. The impulse is widespread to reject the inherent subjectivism of social life in general and political argument in particular. When we criticize an argument we cannot accept -- the assertion that a conflict of classes makes social revolution inevitable, for example -- there is the impulse to say that it is based on a theory only, that rigid scientific tests cannot verify the extravagant claim.[15] But should we be called upon to deal with an argument we believe -- the vision of absolute human equality, for example -- we tend, in practice, to accept the advocate's "philosophy" uncritically and to test nothing but his/her sincerity.[16] In the first case we use a general belief in objectivism to discredit the idea that there is or can be "truth" in the inherently subjective "lies" which are the substance of rhetoric and ideology. In the second case we are practically incapable of objectifying our own ideology, unable to think of our most noble cultural values as rhetorically-generated commitments and not demonstrable "truths."

The alternative has already been mentioned; that is, one might identify "motive" wholly with its expression, conceiving with Szasz that in classifying motives as "acceptable" or "unacceptable" we do no more than evaluate communicational styles and messages:

> According to [the currently prevalent position], psychiatrists treat mental diseases which are just as "real" and "objective" as bodily diseases. I submit that the holders of [this] view have no evidence whatever to justify their claim, which is actually a kind of psychiatric propaganda: their aim is to create in the popular mind a confident belief that mental illness is some sort of disease entity, like an infection or a malignancy. . . . Not only is there not a shred of evidence to support this idea, but, on the contrary, all the evidence is the other way and supports the view that what people now call mental illnesses are, for the most part, communications expressing unacceptable ideas, often framed in an unusual idiom.[17]

When one is "mentally ill," "duped by rhetoric" or "deluded by ideology," the only objective evidence of such condition is self-report, peculiar language usage. Indeed, since the representation of an internal state by certain verbal behavior is purely supposititious, "motive," "rhetoric" and "ideology" are in practice purely symbolic phenomena. All we can know of such things is confined by the words used to express fundamental consciousness of motivation.

This notion is not unfamiliar to rhetoricians, of course: The major works of Kenneth Burke are focussed precisely on the symbolic analysis of human motives. Burke, however, approaches the question of motive in specific, looking with his "dramatistic metaphor" at a particular problematic text, an individuated "motive" which appears to require interpretation.[18] Burke appears to avoid the concept of "ideology," perhaps because he is interested in the relationship between discourse and "humanity" generally, not, as Marx and Mannheim had been, in the connection between "usage" and "mass consciousness" in particular political societies.[19] The Marxian concept "ideology" invites attention to a "grammar" and "rhetoric" of motives within a specific culture. Such "grammar" and "rhetoric" would be a product, not just of our symbol-using essence as human beings, but also of a definite social and political structure into which we are born, and in the context of which we must survive.

There are two perspectives from which one might investigate an "ideology" in specific as it relates to the style of "rhetoric" evident in a particular social-political system. One may look to uses of an ideology in specific instances of rhetoric meant to control a mass audience, "the people."[20] One may also look to the sources of such argument directly, probing the presuppositions which contain a "map" or paradigm of the social relationships between Leaders ("government") and "the people" which have been institutionalized in the community. The first strategy puts emphasis exclusively on the way in which those who have power control the masses, leaving the false impression that the rhetorical function of ideology is simply manipulative. The second strategy accurately portrays ideology and rhetoric as politically neutral, equally effective (potentially) in controlling the behavior/belief of Leaders or "people." Because it is in my judgement more accurate generally, and because the rhetorical effects of ideology in Anglo-American communities are alleged to be equal on Leaders and "people," I will pursue the second strategy by suggesting that "ideology" is in practice a political language with the capacity to dictate decision and to control the political behavior even of the most powerful individual in the community.

## The Coercive Power of "Ideographs"

The power of a Prince is no smaller nor more subtle because he/she was freely elected by "the People"; yet most of us (indeed most of the world much prefer enduring the power of a President instead of suffering the tyranny of some Ugandan dictator. Why? Nixons or Fords or Carters are certainly free to indulge personal vanity with capricious uses of their power, but they have not made such tyranny a habit. Each seems to acknowledge some control over his behavior. And what could control the behavior of a person with the capacities of a President? Each day, wherever he goes, Carter has at his side an innocuous black valise containing everything necessary to reduce the earth to radioactive rubble. All he need do is push the button. We can punish tyrants and maniacs after the fact of their ounacy or tyranny (if we survive it), but in practical terms, the only way to control power at the moment of its exercise is prior persuasion.

Most social theorists conceive these controls as *socializing* or *conditioning* agents, for we acquire the vocabulary of control (terms such as "liberty," "law," "tyranny," and "trial by jury of our peers") with the idea of rhetoric, however, for controlling power is in fact a seduction and not strictly the stimulus/response process conceived in behaviorism. Leaders who wield the power of a state are not *made* to heed a rhetoric of control in the same way that a conditioned dog is *obliged* to salivate, or socialized children are required to speak English. Against the naked reality of power, a phrase such as "rule of law" is just that, three words with no objective meaning. If the Leader can find words powerful enough to justify his abuses of power, he may ignore with relative impunity normal and usual constitutional requirements -- even to the point of engaging in an unauthorized and illegal war in Viet Nam made palatable by nothing but a rhetoric woven around the term "national security."

Despite insistence that prior controls of power are essentially rhetorical, however, one cannot dismiss the notion of "socialization" or "conditioning" entirely, for we are dealing with an unusual genre of rhetoric *which presumes its own effect*: All future Presidents of the United States learn with the rest of us the limits of government power and their obligation as citizens. Though we do not always see the proper course of action, it is presumed that our reaction to any claim put upon us as civic duty will be autonomic. So it is that we are surprised, not when an allegedly sane young man agrees to travel half-way around the world to die for God, country, apple pie, and no other particularly good reason, but rather when a young man displays good common sense by refusing to be conspicuous in a civil war which is none of his business. We create a rhetoric of war to persuade us of its necessity, but we presume the rhetoric to be effective and regard negative popular judgements of it as unpatriotic cowardice. We see this rhetoric reinforced throughout society, in requirements for citizenship imposed upon immigrants, constitutional requirements for the holding of public office, classes required for a high school diploma, the conduct of a grammar school classroom, and the promotional techniques employed in every sector of the private economy.

Rhetoricians generally identify the rhetoric of control as some species of political discourse and proceed to deal with it by naming it "argumentation," submitting it to the formal analyses recommended by the category "reason." This is totally unsatisfactory. Consider our idea of "rule of law": Argument is a process of affirmation and denial of propositions; it is the means of proving the truth of grammatical units, declarative sentences, which purport to be a reliable signal representation of reality. Propositions make claims in their association of subject-terms and predicable-terms. And it is in the association of terms, not in the terms themselves, that reason seems to lie. So within the vocabulary of argumentation the term "rule of law" makes no sense in itself, it is beyond or prior to criticism of any sort, until it is placed in the context of a proposition, as the subject or predicable of a declarative sentence. If I say "The rule of law is a primary cultural imperative in the United States," or if I say, "Charles I was a cruel and capricious tyrant," I have asserted a testable claim which may be criticized by logically coordinated observations. But if I say simply "the rule of law," my utterance cannot even qualify logically as a claim. Further, should I force such terms as "Religion, Liberty and Property" (the essential rally-cries of the Puritan Revolution in England) into propositions, in order to see "arguments" rather than "slogans," I will have distorted through oversimplification the complex meanings of the key terms of conflict and commitment.[21]

Terms such as "property," "religion," "liberty," "right of privacy," "equality," "tyranny," "freedom of speech," "rule of law," and "principle of confidentiality" seem to have intrinsic force,, perhaps compelling rational agreement just by their utterance. Though words only, and not claims, these terms are more pregnant than declarative sentences could be. They are the building-blocks of "ideology." We might think of them as "ideographs," for, like Chinese symbols, they signify and "contain" a unique ideological commitment; further, they presumptuously suggest that each member of our community will see as a gestalt every complex nuance in them. What "rule of law" means is the series of propositions, all of them, which could be manufactured to justify a Whig/Liberal order. Ideographs are one-term sums of an orientation, the species of "God" term or "Ultimate" term which will be used to symbolize the line of argument the meanest sort of worker would pursue, if he had a dialectical skills of philosophers, as a defense of his stake in and commitment to the society.[22] Nor is one permitted to question the fundamental logic of ideographs: Everyone is conditioned to think of "the rule of law" as a logical commitment just as one is taught to think that "286,000 miles per second" is an accurate empirical description of the speed of light even though few of us can work the experiments or do the mathematics to prove it.

A complex series of logical and epistemological questions arise from recognizing ideographs. We might, for example, inquire closely into the "reasonableness" of using ideographs in usual political circumstances, for if we cannot say that "rule of law" is the desirable criterion for judging "Nixon's conduct" on the basis of our ordinary logics, and if we think such judgements possible and permissable, we should take pains to describe how our conclusions can be "reasonable." A beginning could be made by looking to either of the Burkes, Edmund or Kenneth: In The Sublime and the Beautiful, Edmund describes what he calls "compound abstractions," terms which, like ideographs, have complex, primarily historical and experiential, meanings. He argues that there is good sense in compound abstractions, a concession that he will not grant to the "simple abstractions" of philosophy.[23] And the "logic" part of Kenneth's "dramatism" (Grammar of Motives) seems pointedly designed to avoid the oversimplification of "motive" which derives from pushing our key usages into predetermined propositional molds.[24]

Either of the Burkes' reasonings, however, must leave us with a more basic epistemic question: In suggesting that ideographs act as agencies of both seduction and conditioning, we seem to be asserting that such terms as "rule of law" are simultaneously "ideas" which we use to warrant our own deed and to persuade others, and "imperatives" or "duties" which use us, determining with social pressures our capacity to accept or to reject claims made upon us. We have a thing in front of us which, contrary to the traditional meanings of the terms, appears to be both "idea" and "feeling" at the same time. It is the epistemic equivalent of the "wavicle" recently discovered in physics, a thing which is both matter and energy, either simultaneously or alternately. Behavioral or cognitive epistemologies seem as unprepared to account for ideographs as Newtonian theory with quantum mechanics. So Clynes argues, though his alternative seems wobbly.[25]

In any case, though one must acknowledge their existence, it is premature to address either logical or epistemic questions here. At best these concerns seem tangential to the argument, simply, that in public argument ideographs exist and function, clearly and evidently, as agents or media of political consciousness. The more immediate problems are of analysis and interpretation: How does the notion of "ideograph" aid descriptions of public argument? What do we gain by looking to an "argumentative" unit which is pre-propositional?

Many arguments simply are not "rational" in their force. There is no news in such a claim, of course: We have long recognized that a darker side of rhetoric "makes the better argument appear worse and the worse appear better."[26] In the twentieth century particularly we have been worried about the "short-circuiting" of reason by emotional appeals, "propaganda."[27] But though we recognize that there is non-rational persuasion, most of us in the past have fallen prey to the impulse Rudolf Heberle exemplifies:

> One rarely finds a well organized, systematic presentation [of the "ideas" of a social movement]. Ideologies are usually formulated in proclamations, resolutions, speeches, programs, platforms, pam-

> phlets, essays, and newspaper articles. . . . As a rule, one has to reconstruct the thought system of a movement from many different sources. . . . The publicly proclaimed goals and ideas are not always the true and real aims of a movement. . . . [To describe ideologies] (1) We begin with the systematic presentation of the proclaimed content of the ideology. (2) This may be followed by an inquiry into the historical origin of the various ideas which compose the ideology. . . . (3) We then inquire into the underlying assumptions concerning the nature of man and of society on which the proclaimed program or ideology is based. . . . (4) Finally, the question may be raised as to what made this ideology appealing to the people who participate in the movement. . . . On the first level of analysis . . . incoherently publicized ideas have to be brought together in a systematic order. The discovery of this order is, however, often impossible before the second and third steps have been taken. In particular, the third level of analysis will often present us with those ideas that enable us to bring order into the whole.[29]

Presented with "propaganda," a series of appeals which attracts the large masses of the people, we observe that the "arguments" are incoherent, emotional, associational outbursts unworthy of the name "argument." We then either ignore the persuasion altogether, treat it strictly psychologically (with no attention to its idea content), or we follow Heberle by rewriting the propaganda, making it propositional in our analysis when in fact, in its real terms, it was not propositional at all.

Three examples will testify to the necessity of the conception "ideograph" in describing the reality of ideological and political competition:

(1) Michael Polanyi is but one of the respectable "historians of ideas" who profess to believe that it is possible to identify the origin of Anglo-American political commitments in coherent political philosophy.[30] He is wrong. A survey of the arguments generated during the Puritan Revolution, the time when allegedly the "philosophical" tradition of "Religion, Liberty and Property" originated, shows that the ideas "religion, liberty and property" functioned as ideographs:

> When the men of the Long Parliament wanted a shorthand phrase to sum up their cause they said they were defending "religion, liberty, and property." We can now see how widely these words extend. Religion could cover the various emotions linking Protestantism and patriotism, the strategic anxieties roused by the Thirty Years War, the desire for an expansionist anti-Spanish foreign policy. It could cover the traditional fear for the safety of monastic lands, and the anxieties caused by Laud's economic activities. It could cover the intense study of the Scriptures, and the appeal to the Bible to criticize existing institutions and practice. It could cover the Puritan sense of spiritual equality and human dignity, and the appeal to the individual conscience with all its anarchist possibilities. It could cover the demand for greater freedom of speech, publication, assembly, and discussion. . . . "Liberty" and "Property" were also words with wide meanings.[31]

Christopher Hill's point is that the terms "religion, liberty, and property" were *political slogans*, "ideographs" which functioned to keep diverse interest groups all working for a common goal, Puritan revolution. Those who used the ideographs did not share meanings or intentions. Precisely by keeping "propositional" content *out* of the terms, they could perform their rhetorical, "argumentative" function. Those who created from the slogans a political philosophy did so by rewriting the history of the period to create the illustion of a more sophisticated agreement as to goals, a much more homogenous population, than actually existed.[32] In fact, the philosophy created by such as Milton and Locke has been more influential than the sloganeering of the early seventeenth century -- but if our goal is *description* of the actual "argument" which made the Puritan Revolution and created the possibility of an Anglo-American theory of government, we need to pay attention to the function of slogans *as* slogans, as "ideographs" with meaning and function independent of the propositions in which they might ultimately be couched.

(2) Propositions are necessary in the give-and-take of political competition, for we must *act* on the basis of the ideas we hold -- and action presupposes the subject, verb and predicate of the proposition. But *before* we act, at the time when we are becoming "politically conscious" of the terms which will be the subject and object of propositions, we must create symbolic *images* and simple *associations* sufficient to the communication and the containment of an object of consciousness. In 1844, for example, the feudal culture was disintegrating in Europe. The *zeitgeist* was the philosophy of liberalism which had been translated into political reality through much Anglo-America. Old kings were being deposed and new republics established: For the first time since the fall of the Roman Republic, "democracy" was not a dirty word in the major capitals of the continent. In this context Karl Marx and Frederick Engels were busy manufacturing an alternative to the philosophy of liberalism. Though they of all modern ideologues were the most careful to specify, coherently and respectably, myriad indictments of both feudal and bourgeois societies, they did so less in their *rhetoric* than in their philosophy. When they addressed the masses of people of Germany, they began by attempting to manufacture *images* of their opponents, structured linkages of ideographs designed to make proletarian Germans "politically conscious" of what a "liberal" society was about -- from a communist viewpoint, of course:

> You good Germans are told year in, year out by the liberal journalists and parliamentarians what wonderful people, what independent men the English are, and all on account of their free institutions, and from a distance it all looks quite impressive. The debates in the Houses of Parliament, the free press, the tumultuous popular meetings, the elections, the jury system -- these cannot fail to impress the timid spirit of the average German, and in his astonishment he takes all these splendid appearances for true coin. But ultimately the position of the liberal journalist and partliamentarian is really far from being elevated enough to provide a comprehensive view, whether it be of the development of mankind or just that of a single nation.[33]

Engels goes on to develop an indictment of English institutions based on the exploitation of common workers during the dislocations of the industrial revolution. But he does so specifically by restructing the key ideographs which he has here enumerated and claimed as decisive images of "liberality": "free institutions," "debates," "Parliament," "free press," "tumultuous meetings," "elections," "jury system," these terms function in Engels' argument precisely as the slogans of the Puritan Revolution functioned, as terms which represent an entity too large and too remote to sense immediately, as summary-terms which permit the mind to grasp in consciousness a thing which transcends th senses. Engels, of course, does make propositions, but each proposition has as its referent, not an objective condition in material reality, but an ideograph, a word which is supposed to have material reference. The removal of the empirical world through symbolizing it is, at least in this case, absolutely fundamental to conceptualizing it in the terms and with the resources Engels desired.

(3) Finally, there are times when the fundamental consciousness of a society is the "issue" at the heart of propositional debate. So, for example, we distort President Carter's speech to the nation of July 15, 1979 if we fail to recognize that an ideology is imbedded in the propositional flow of his argument. That is, though the President constructed a coherent flow of arguments, those arguments were structured about the ideograph "threat to democracy": The President insisted on claiming that current American problems run deeper than energy shortages and inflation; rather, he suggested, our political consciousness makes our ability to cope with material problems difficult.[34] We are not, of course, forced to the concept "ideograph" to describe Carter's speech in the same way we are obliged to deal with the slogans of the Puritan Revolution or nineteenth-century German conceptualizations of "Liberty" in images of English institutions. It is possible to make a "flow chart" of Carter's speech and to account for ideographs as loaded terms in a propositional context. But in so doing, we would distort the President's stated intention (to call attention to the misdefinition and misapplication of American ideographs), and we would overlook the organization-pattern of the speech, for the argument is *formed* in and around the organization of ideographs, not the organization of policy propositions.

There is good reason to believe, in short, that our propensity to rewrite ideologies and "propaganda" generally, to make them logically coherent, distorts the account of them as they appear and function in political reality. Ideographs are signs of political consciousness, and as such they are sometimes prior to propositional logic (as in the example of "liberty, religion, and property"), sometimes adjunct to a propositional logic (as in Engels' description of liberalism. and sometimes imbedded in propositional logic as a primary organizational principle (as in Carter's July 15 speech). But in each case, "ideographs" more precisely capture the "consciousness," the ideology, of a people than do propositional translations of slogans into coherent philosophy.

## Conclusion

Rather than accept the implication that the concepts "rhetoric" and "ideology" are distinct, alternative, perhaps antithetical ways of characterizing the phenomenon of "mass consciousness," I have argued that the two notions may be linked theoretically without imposing one concept upon the other or borrowing gratuitously from alien traditions and orientations. The concepts are linked by common concern for finding a way accurately to describe "public motives" in a particular society. I have suggested that the best evidence of the existence of a "public motive" lies in a peculiar language unit and not in logically coordinated observations of collective behavior or in inferences based upon an individual's membership in a particular social class or category. The "ideograph," I have argued, is found in all public discourse which articulates, refers to or invokes the peculiar mass commitments which define the collectivity and mark it apart from other human societies. "Ideographs" are "rhetorical" in that they are seductive, inherently persuasive language units which characteristically are called upon by a society's advocates when it is necessary to collectivize the masses or to legitimize particular acts of governments. "Ideographs" are also "ideological" phenomena in that they symbolize and contain the "consciousness" which all individuals have of their existence and stake in the society of their birth, a "consciousness" which is inherently "false" because it has been manufactured rhetorically and is thus a creature of commitment and faith, not of reasoned self-interest or carefully-chosen "philosophical" positions.

The most obvious advantage of linking "rhetoric" and "ideology" is methodological: "Ideographs" are not invented by observers artificially to describe the "motive" of public behaviors. These terms are *usages*, and as such they are as natural to the social condition as air or rock is natural to the physical environment. "Ideographs" are used in real circumstances to excuse or justify behavior and to construct the pyrotechnics which whip mass societies into "movement" toward or away from an object of collective consciousness. When we analyze the vertical and horizontal structures of ideographs, therefore, the result is a description of the only public "motive" which can be observed. In the past, writers have fabricated terms to capture the motives they believe to underlie collective behaviors they have witnessed. The pretense is that such terms as "paranoid style" and "typically bourgeois" have objective referents. In fact, these invented terms are imprecise and wholly dependent for their meaning on the pattern of organization forced upon observations, events and personalities by third-party analysts. Human motives are contained wholly in the language used to articulate them, and because of that, the "real" motives for public behavior, in an objective sense, must ever remain hidden, for language is not up to the perfect communication of an internal state even in those cases where we believe that there is no intent on the part of an actor to deceive observers. A proper and accurate description of public motives, I have suggested, can be made only if we refuse the impulse to look behind rhetorical behaviors in an attempt scientifically to characterize what we will never be able to observe, the internal state of a human mind.

Recognizing the rhetorical origin and nature of "ideology" not only concretizes and demystifies the concept, it also creates a new line of defense for several controversial theses unfortunately abandoned in social theory because of methodological problems. Marxian theories, for example, have always contained the claim that radical political dissent is inhibited by the influence of a "dominant ideology" (that consciousness developed by the ruling orders) on "subordinate classes" who are persuaded to discount the evidence of their own condition.[35] The claim seems patently true; but if we conceive "ideology" to be a purely internal state, and if we try to infer it from what people *do* rather than what people say, the thesis becomes all but indefensible: As Abercrombie and Turner have observed, the very existence of a dominant ideology in late capitalism is open to question, and the suggestion that subordinate classes actually have the capacity to "share" the consciousness of the elite seems absurd, or at least contrary to fact.[36] Berger and Luckman seemingly agree, but in their notion of "the reinfication of consciousness" they seem also to envision a rhetorical conception of "ideology" in which the "dominant ideology thesis" is possible: While the relationships between *behavior* become more dubious as dominant classes become more pluralistic and as class confrontations diminish, there can be constant and objective relationships between *language usages* (legitimation," that "process of 'explaining' and justifying") and ideology.[37] In the terms of this essay, one could agree that it is impossible for subordinate classes to know the internal state of an elite -- but it is not impossible for such classes to share the language, specifically the ideographs, of the ruling orders. Moreover, the existence of a dominant ideology, measured by common ideographs in all discourse aimed at legitimation, is beyond question. Indeed, from this perspective, the problematic concept could be "class" and not ideology: Marx argued that socio-economic "class" determines a person's consciousness.[38] Characteristically, we do not conceive a *reciprocal* relationship between "class" and "consciousness." If we think of "consciousness" rhetorically, however, and if our analysis of discourse reveals an increasing homogeneity of ideographic usage, we have an argument not for "the end of ideology," but for "the end of class."[39] In the relationship Marx hypothesized, in other words, it is as reasonable to define a person's "class" by his/her "legitimation behaviors" as to infer the "consciousness" underpinning such behaviors from a person's alleged confinement within a social group.[40] I am not, of course, suggesting that "the end of class" is imminent. I believe that the ideographic analysis of discourse will reveal an array of "class" divisions and distinctions; but until we have some confirmation of "class consciousness" in actual discourse, it is as sensible or as silly to suspect the existence of "dominant ideology" as to suspect the existence of "middle class."

## FOOTNOTES

[1] See Georges Lefebvre, *The Thermidorians and the Directory*, trans. Robert Baldick (1937-46; Eng. trans. New York: Random House, 1964), pp. 408-12; Charles H. Van Duzer, *The Contribution of the Ideologues to French Revolutionary Thought* (Baltimore: The Johns-Hopkins Univ. Press, 1935); Albert A. Babeau, *L'ecole du village pendant la revolution* (Paris: Didier, 1881); and Hans Barth, *Truth and Ideology*, trans. Frederick Lilge (1945; Eng. trans. Berkeley: Univ. of California Press, 1976).

[2] Frankfurt Institute for Social Research, *Aspects of Sociology*, trans. John Viertel (1956; Eng. trans. Boston: Beacon Press, 1972), pp. 200-201.

Social theorists have made the connection between ideology and "communication" spasmodically throughout this century, but the association, in my judgment, is eccentric (that is, both rare and rarified), and there have been no methodological specifications of whatever relationship is supposed to exist between the two. See, e.g., Vilfredo Pareto, *The Mind and Society*, trans. Andrew Bongiorno and Arthur Livingston with James Harvey Rogers, ed. Arthur Livingston (1917-18; Eng. trans. 1935; rpt. New York: Dover, 1963), § 108-144, 798-870; Robert E. Park, "Human Nature and Collective Behavior," *American Journal of Sociology*, 32 (1927): 733-41; Karl Mannheim, *Ideology and Utopia*, trans. Louis Wirth and Edward Shils (1936; rpt. New York: Harvest Books, 1952), pp. 264-311; Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment*, trans. John Cumming (1944; Eng. trans. New York: Herder and Herder, 1972), pp. 120-67; Jacques Ellul, *Propaganda: The Formation of Men's Attitudes*, trans. Konrad Kellen and Jean Lerner (1962; Eng. trans. New York: Vintage Books, 1973); Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality* (Garden City, N. Y.: Doubleday & Co., 1966), pp. 92-128; Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences*, trans. by publisher (1966; Eng. trans. New York: Random House, 1970); Henry David Aiken, "Morality and Ideology," in Richard T. De George, ed. *Ethics and Society* (Garden City, N. Y.: Anchor Books, 1966), pp. 149-72; Jürgen Habermas, *Legitimation Crisis*, trans. Thomas McCarthy (1973; Eng. trans. Boston: Beacon Press, 1975), pp. 95-143; Adrian Cunningham, "Reflections on Projections: The Range of Ideology," in Robert Benewick, R. N. Berki, and Bhikhu Parekh, eds., *Knowledge and Belief in Politics: The Problem of Ideology* (London: Allen & Unwin, 1973), pp. 36-56; and Alvin W. Gouldner, *The Dialectic of Ideology and Technology* (New York: Seabury Press, 1976).

[3] See, e.g., Thomas S. Frentz and Thomas B. Farrell, "Conversion of America's Consciousness: The Rhetoric of *The Exorcist*," *Quarterly Journal of Speech*, 61 (1975): 40-47; Michael C. McGee, "In Search of 'The People': A Rhetorical Alternative," *Quarterly*

*Journal of Speech*, 61 (1975): 235-49; Thomas B. Farrell, "Knowledge, Consensus, and Rhetorical Theory," *Quarterly Journal of Speech*, 62 (1976): 1-14; Andrew A. Kind, "The Rhetoric of Power Maintenance: Elites at the Precipice," *Quarterly Journal of Speech*, 62 (1976): 127-34; Michael D. McGuire, "Rhetoric, Philosophy and the *Volk*; Johann Gottlieb Fichte's *Addresses* to the German Nation," *Quarterly Journal of Speech*, 62 (1976): 135-44; William R. Brown, "The Prime-Time Television Environment and Emerging Rhetorical Visions," *Quarterly Journal of Speech* 62 (1976): 389-99; and William R. Brown, "Ideology as Communication Process," *Quarterly Journal of Speech*, 64 (1978): 123-40.

Deciding when a rhetorician is confronting one of the many problems associated with "ideology," however, is not as simple as surveying uses of the term. In most cases, the concept "ideology" is discussed through substituting for it one of the many meanings of "rhetoric." See, e.g., Roderick P. Hart, "The Rhetoric of the True Believer," *Speech Monographs*, 38 (1971): 249-61; Herbert W. Simons, "Persuasion in Social Conflicts: A Critique of Prevailing Conceptions and a Framework for Future Research," *Speech Monographs* 39 (1972): 227-47; James R. Andrews, "Confrontation at Columbia: A Case Study in Coercive Rhetoric," *Quarterly Journal of Speech*, 55 (1969): 9-16; Richard B. Gregg, "The Ego Function of the Rhetoric of Protest," *Philosophy & Rhetoric*, 4 (1971): 71-91; Ralph R. Smith and Russell R. Windes, "The Innovational Movement: A Rhetorical Theory," *Quarterly Journal of Speech*, 61 (1975): 140-53; and Roderick P. Hart, *The Political Pulpit* (West Lafayette, Ind.: Purdue Univ. Press, 1977).

[4] Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard Univ. Press, 1967); J. G. A. Pocock, "Working on Ideas in Time," in *The Historian's Workshop*, ed. L. P. Curtis, Jr. (New York: Knopf, 1970), pp. 157-59.

[5] George Lichtheim, "The Concept of Ideology," *History and Theory*, 4 (1966): 164-95; Robert L. Scott, "On *Not* Defining 'Rhetoric'," *Philosophy & Rhetoric*, 6 (1973): 81-96.

[6] See Farrell, "Knowledge," pp. 2-12; but cf., Theodor Geiger, *On Social Order and Mass Society*, trans. Robert E. Peck, ed. Renate Mayntz (Chicago: Phoenix Books, 1969), pp. 132-42, 160-65.

Brown ("Ideology as Communication Process") and others [e.g., Michael Polanyi, *Personal Knowledge* (1958; rpt. Chicago: Univ. of Chicago Press, 1962), pp. 249-324] have hypostatized the problems normally associated with the concept "ideology," and in my view subscribed to an insidious error, by making an unwarranted leap from recognizing the subjective consciousness as "social reality," a body of *assumptions*, to an extravagant claim for the ontological legitimacy of such "reality." It is at best a metaphor to regard "social reality" as anything but *false*, a fiction, a dramatistic construct. However much we may be inclined by our search for "truth" to excuse the ideological consciousness, we seem without justification in refusing to admit that any concept of ideology, or of "personal knowledge," inherently and necessarily requires recognition of the essential "falseness" of such consciousness and/or knowledge. See Bertrand Russell, "An Outline of Intellectual Rubbish" in Unpopular Essays (New York: Simon and Schuster, 1950), pp. 71-111; Jurgen Habermas, "Technology and Science as 'Ideology,'" in Toward a Rational Society, trans. Jeremy J. Shapiro from Technik und Wissenschaft als 'Ideologie' (1968; Eng. trans. Boston: Beacon Press, 1970), pp. 50-122; and Anthony Arblaster, "Ideology and Intellectuals," in Benewick, et al., pp. 115-29.

[7] Thomas S. Szasz, Ideology and Insanity: Essays on the Psychiatric Dehumanization of Man (New York: Anchor Books, 1970); but c. f., Sidney Cohen, "Commentary on 'The Ethics of Addiction,'" American Journal of Psychiatry 128 (1971): 547-50.

[8] Sir Lewis B. Namier, England in the Age of the American Revolution (London: Macmillan, 1930), p. 63. See also, James I, "The State of the Monarchy and the Divine Right of Kings," Speech at Whitehall on March 21, 1609, in British Orations from Ethelbert to Churchill (1914; rpt. London: J. M. Dent, 1960), p. 21: "I will not be content that my power be disputed upon, but I shall ever be willing to make the reason appear of all my doings."

[9] John Locke, Second Essay Concerning . . . Civil Government (1690) in Robert Maynard Hutchins, ed., Great Books of the Western World (Chicago: Encyclopedia Brittanica, 1952), 35:63.

[10] Edmund Burke, Thoughts on the Causes of the Present Discontents (1770) in The Works of the Right Honourable Edmund Burke, 9th ed. (Boston: Little, Brown, 1889), 1:440-41.

[11] For arguments detailing the descriptive imprecision of theories of "ideology," see W. G. Runciman, "Describing," Mind 81 (1972): 372-88; Bhikhu Parekh, "Social and Political Thought and the Problem of Ideology," in Benewick et a., pp. 57-87; and Raymond Williams, The Long Revolution (London: Chatto & Windes, 1961), pp. 48-71.

For arguments detailing the theoretical imprecision of the concept "rhetoric," see Maurice Natanson, "The Limits of Rhetoric," Quarterly Journal of Speech, 41 (1955): 133-39; Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," Communication Monographs, 43 (1976): 308-19; and David L. Swanson, "A Reflective View of the Epistemology of Critical Inquiry," Communication Monographs, 44 (1977): 207-19.

[12] See Hugh Dalziel Duncan, *Symbols in Society* (London: Oxford U. Press, 1968), pp. 3-42; Roger Poole, *Towards Deep Subjectivity* (New York, 1972), pp. 44-77; L. N. Moskvichov, *The End of Ideology Theory: Illusions and Reality*, trans. Jim Riordan (Moscow: Progress Publishers, 1974), pp. 74-107; and Theodore Lowi, "The Public Philosophy: Interest-Group Liberalism," *American Political Science Review*, 61 (1967): 21-26.

[13] Szasz, pp. 49-50.

[14] Jose Ortega y Gasset, *History as a System*, trans. Helene Weyl (1941; rpt. New York: W. W. Norton, 1961), p. 180. See also, Richard M. Weaver, "Concealed Rhetoric in Scientistic Sociology," in *Language is Sermonic: Richard M. Weaver on the Nature of Rhetoric*, ed. Richard L. Johannesen, Rennard Strickland, and Ralph T. Eubanks (Baton Rouge, La: Louisiana State University Press, 1970), pp. 139-58; and Robert Paul Wolff, Barrington Moore, Jr., and Herbert Marcuse, *A Critique of Pure Tolerance* (Boston: Beacon Press, 1965).

[15] See, e.g., M. M. Bober, *Karl Marx's Interpretation of History* (1927; rpt. New York: W. W. Norton, 1965); and Daniel Bell, *The Cultural Contradictions of Capitalism* (New York: Basis Books, 1976), pp. 33-119.

[16] See, e.g., Zbigniew Brzerzinski, "America in the Technocratic Age," *Encounter*, 18 (1968): 18-22; Stephen Kirby, "National Interest *Versus* Ideology in American Diplomacy," in Benewick, et al., pp. 227-44; and Bell, *Cultural Contradictions*, pp. 220-82.

[17] Szasz, p. 19; and cf. Alfred Schutz, *The Phenomenology of the Social World*, trans. George Walsh and Frederick Lehnert (1932; trans. Evanston: Northwestern Univ. Press, 1967), pp. 3-44; and Alfred Schutz, "Common Sense and Scientific Interpretation of Human Action," *Philosophy and Phenomenological Research*, 14 (1953): 1-37.

[18] Burke's "stream of consciousness" motif suggests a consistent introspection whereby, methodologically, he assumes the *personae*, the "parts," of "artist," "politician," whatever, and considers the topic "motive" from *what he believes to be* the "perspective" of such actors in the real world (which is, after all, "only a stage"). He attempts *to become* (in the sense of Stanislavsky's "method-acting") Flaubert or Freud or James or Milton, and while in this projected, transcorporated state, he explores "himself" to reveal the "consciousness" underlying "his" thought and action. Burke, in my judgment, is therefore emphatically *not* engaging in a "great and timeless dialogue" such as that envisioned by Lovejoy, nor is he addressing the "universal audience" Perelman fabricated, nor is he operating from the social-organic metaphor underlying other neo-Marxian thought. He is much closer to Polanyi's "personal knowledge" in that "motive" is an intensely *personal* phenomenon, an individuated interaction between a conscious being and situations in which such person finds him/herself. Burke's

"dramatism" is thus a vehicle for preserving the uniquely individual characteristics of human motive, and while he often makes sweeping references both to general humanity and to social-material life conditions, his interest seems rarely larger than that of the individual who is trapped by and/or caught up in a human or material environment. See Burke's *Counterstatement*, 2nd ed. (1953; rpt. Berkeley: Univ. of California Press, 1968), pp. 107-22; *Permanance and Change*, 2nd ed. rev. (1954; rpt. Indianapolis: Bobbs-Merrill, 1965), pp. 19-58, 230-36; *Attitudes Toward History*, 2nd ed. rev. (1959; rpt. Boston: Beacon Press, 1961), pp. 3-33; *A Grammar of Motives* (New York: Prentice-Hall, 1945), pp. xv-xxiii; and Michael Polanyi, *The Tacit Dimension* (Garden City, N. Y.: Doubleday, 1966). Contrast A. O. Lovejoy, *Great Chain of Being* (Cambridge: Harvard Univ. Press, 1936); Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans. John Wilkinson and Purcell Weaver (Notre Dame, Ind.: Univ. of Notre Dame Press, 1971), pp. 31-45, 501-14; and, as an example of other neo-Marxian thought, Jean-Paul Sartre, *Critique of Dialectical Reason*, trans. Alan Sheridan-Smith (1960; Eng. trans. London: New Left Books, 1976), pp. 447-48, 538-39.

[19] Burke's early use of the term "ideology" (*Counterstatement*, pp. 146-47) seems almost careless, subsuming under the term all religious beliefs, all beliefs which come about from participating in any human or environmental "form." In his most creative period, he abandons usage of "ideology" in favor of conceptual specifications such as "magic," "religion" and "ritual." (*Permanence and Change*, pp. 59-66; *Attitudes Toward History*, pp. 179-215.) In his mature period (*Grammar of Motives*, pp. 209-14), Burke attempts to expose the ideological character of orthodox Marxism, but rather than subscribe to the "false consciousness" implications of "ideology," he creates a "dramatist grammar" for Marxism. He has mixed reactions to Mannheim in the same period, applauding the attempt to "liberalize" and "neutralize" Marxist ideologies, but at the same time sticking to strictly rhetorical language in characterizing the "sociology of knowledge." [*Rhetoric of Motives* (New York: Prentice-Hall, 1950), pp. 197-203.] Burke wants nothing of a culture-specific analysis of ideologies, calling instead for a "philosophy of myth" consistent with his poetic categories and dramatistic methods. In my memory, Burke attempts the sort of particular analysis proposed here only in his earliest essays (*Counterstatement*, pp. 107-22), but even then, he kept away from the social-organic metaphor, and he proceeded through dramatistic introspection rather than through a rhetorical and diachronic analysis of *public* (as opposed to philosophical) argument.

[20] This strategy is typical of Marxism. "The people" are distinguished from their government and from elites whose interests appear contrary to the "general welfare." See L. E. Khoruts, "A Critique of the Idealistic Conception of Ideology in the Sociology of Knowledge," *Soviet Review*, 4 (1965): 60-66; Richard Ashcraft, "Marx and Weber on

Liberalism as Bourgeois Ideology," *Comparative Studies in Society and History*, 14 (1972): 130-68; S. S. Gililov, et al., *Problems of the Communist Movement*, trans. David Skvirsky (Moscow: Progress Publishers, 1975), pp. 42-78. Those neo-Marxians associated with the development of "critical sociology," the "Frankfurt School," seem uniformly to accept this orientation. See, e.g., Horkheimer and Adorno, pp. 120-67.

[21] Though I suspect that he would object even to the analysis of slogans (because such analysis would be *of* discursive texts and not *of* an actual "argumentative transaction"), Willard exposes the error of forcing the terms of conflict and commitment into a predetermined propositional mold or "diagram." Willard, "Utility of Descriptive Diagrams," pp. 313-19. See also Kenneth Burke, "A Dramatistic View of the Origins of Language," in *Language as Symbolic Action* (Berkeley: Univ. of California Press, 1966), pp. 418-79, esp. pp. 453-63.

[22] See K. Burke, *Grammar*, pp. 43-5, 415-18; *Rhetoric*, pp. 275-76, 298-301; and Richard M. Weaver, *The Ethics of Rhetoric* (1953; rpt. Chicago: Gateway Books, 1970), pp. 211-32 [also pp. 87-112 of Johannesen, et. al.].

[23] E. Burke, *Works*, 1:246-62.

[24] K. Burke, *Grammar*, pp. 101-108; and *Permanence and Change*, pp. 29-36.

[25] See Manfred Clynes, "Towards a Theory of Man," *Human Context*, 1 (1971): 1-75; Manfred Clynes, "Toward a View of Man," in John H. Milsum and Manfred Clynes, *Biomedical Engineering Systems* (New York: McGraw-Hill, 1970), pp. 272-358; and Manfred Clynes, *Sentics: The Touch of the Emotions* (Garden City, N. Y.: Doubleday, 1977). The "ideograph" described here, if I understand Clynes' terminology, is a social/political specification, in ordinary language, of the "idiolog" in "sentic process theory." See *Sentics*, pp. 20, 43-45, 72-73, 209.

[26] See Plato, *Protagoras*, trans. Benjamin Jowett, 316B-334C.

[27] See Franklyn S. Haiman, "Democratic Ethics and the Hidder Persuaders," *Quarterly Journal of Speech*, 44(1958):385-92; and Jacques Ellul, *Propaganda: The Formation of Men's Attitudes*, trans. Konrad Kellen and Jean Lerner (1962; Eng. trans. rpt. New York: Vintage Books, 1973).

[28] See Thomas R. Nilsen, "Free Speech, Persuasion, and the Democratic Process," *Quarterly Journal of Speech*, 44(1958):235-43; and Edward Rogge, "Evaluating the Ethics of a Speaker in a Democracy," *Quarterly Journal of Speech*, 45(1959):419-25.

[29] Rudolf Heberle, Social Movements: An Introduction to Political Sociology (New York: Appleton-Century-Crofts, 1951), pp. 25-31.

[30] Michael Polanyi and Harry Prosch, Meaning (Chicago: Univ. of Chicago Press, 1975), p. 7. See also, Michael Polanyi, The Logic of Liberty (Chicago: Univ. of Chicago Press, 1951).

[31] Christopher Hill, The Century of Revolution, 1603-1714 (London: Nelson, 1961), pp. 105, 107-108.

[32] See Michael Calvin McGee, "The Origins of 'Liberty': A Feminization of Power," Communication Monographs, forthcoming.

[33] Frederick Engels, "Review of Thomas Carlyle's Past and Present," trans. Christopher Upward, in The Collected Works of Karl Marx and Frederick Engels, ed. Lev Gol- et al. (Moscow, Progress Publishers, 1975), 3:445.

[34] James Earl Carter, "Television Address to the Nation," July 15, 1979; The Des Moines Register (Des Moines, Iowa), July 16, 1979, p. 4A ff.

[35] See Martin Seliger, The Marxist Conception of Ideology: A Critical Essay (Cambridge: Cambridge Univ. Press, 1977), pp. 58-75. 151-66.

[36] Nicholas Abercrombie and Bryan S. Turner, "The Dominant Ideology Thesis," The British Journal of Sociology, 29(1978):149-70.

[37] Peter L. Berger and Thomas Luckman, The Social Construction of Reality (1966; rpt. Garden City, N. Y.: Anchor Books, 1967), pp. 92-128; and Peter L. Berger and Stanley Pullberg, "Reification and the Sociological Critique of Consciousness," History and Theory, 4(1965):196-211.

[38] See Karl Marx, "Theses ad Feuerbach," trans. Clemens Dutt et al., in Works, 5:4; Marx and Engels, German Ideology, pp. 28-37; Karl Marx and Frederick Engels, The Holy Family, in Works, 4:168-76; and Karl Mrax, The Poverty of Philosophy, in Works, 6:169-78.

[39] This reductio is better illustrated in Poole's beginnings of a "grammar and rhetoric of the ethically embodied act." See Poole, Deep Subjectivity, pp. 3-43.

An earlier version of a portion of this paper appears as "The Practical Identity of Thought and Its Expression," in Martin Steinmann, Jr. and Robert L. Brown, Jr., eds. Rhetoric 78 (Minneapolis: Univ. of Minnesota Center for Advanced Studies in Language, Style, and Literary Theory, 1979), pp. 259-73. Elaborations of the concept "ideograph" are forthcoming in Communication Monographs and Quarterly Journal of Speech.

# BETWEEN THE LITERAL AND THE METAPHORICAL: SOME SOURCES OF AMBIGUITY IN SCHOLARLY DISCOURSE

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The concerns of this paper are with the metaphoricity of key terms in scholarly discourse, with the way academics communicate about their use of these terms, and with what we as critics can do in analyzing their rhetoric.

In their well known essay on schizophrenia as a communicational disorder, and in subsequent commentaries on metaphor, Gregory Bateson and his colleagues have helped reinforce the popular view of the literal and the metaphorical as qualitatively different modes of expression.[1] Metaphorical expressions, they argued, are a kind of linguistic play which imply at a meta- or second-order level the denial of what they assert at the literal or first-order level. To confuse the two, they maintained, is akin to one monkey mistaking another's playful nip for a serious bite. The Batesonians went on to suggest that while this error in logical typing afflicts schizophrenics, it leaves the rest of us largely untouched.

How shall we evaluate the Batesonians' argument? Let me acknowledge, first, that their analogy between literalness and seriousness, metaphor and play makes intuitive sense; furthermore, that the literal and the metaphorical often appear to be distinct logical types. Whatever our attitude toward EXXON, we know that its spokesmen are biting, not nipping, when they warn us that there will be severe fuel shortages in the years ahead if we do not restrict fuel consumption now. Unless we happen to be schizophrenic, we are likely to grant no such literal status to the statement: "Put a tiger in your tank." The tiger metaphor works as metaphor theorists say a good metaphor should work: it produces the shock of absurdity or contradiction upon first hearing. In Monroe Beardsley's terms, it introduces an element of "foreignness" into an otherwise straightforward assertion, thereby inviting a search for hidden or implied meanings.[2] What is hidden or implied may be easy to paraphrase or remain forever rife with ambiguity, but at least we know that the metaphorical expression cannot be taken at face value.

Although numerous examples can be cited in support of the Batesonians' case, I do not find their argument entirely satisfying. If, indeed the literal and the metaphorical are distinct logical types, then I am afraid that we academics are in serious psychiatric difficulty, for we too have great difficulty distinguishing the literal from the metaphorical.

Our problems as academics are not that serious, however. Were I to confide to this audience that I have butterflies in my stomach, I doubt that anyone here would suggest sending me to the hospital and the butterflies to Utah's Department of Entymology. And, though quite a few of you here might salivate upon reading this afternoon's luncheon menu, I doubt that any of you would imitate the schizophrenic who ate a menu and then pronounced it scrumptious.

If it is any consolation, I believe that our problems are more like those of Pavlov's mad dogs than of Bateson's schizophrenics. In the Pavlovian experiment to which I am referring, dogs were made acutely psychopathological when, after being rewarded for discriminating between circles and ellipses, they were presented, on successive trials, with ellipses that looked increasingly like circles.[3]

Our problem, then, is not that we are incapable of distinguishing the clearly metaphorical from the clearly literal but, rather, that a disproportionate share of the key terms we deal with appear in context as very circular looking ellipses. Contrary to Bateson, the literal and the metaphorical are not distinct logical types; they only appear so when, as in my EXXON examples, we are presented with paradigm cases of each. For the most part, however, the key terms we deal with stand at or near the borderline between the metaphorical and the literal. They consist, in the main, (1) of once blatant metaphors that have become increasingly literalized through repeated usage, (2) of terms whose so-called primary or normal usage is contestable, and (3) of seemingly literal expressions that nevertheless display some degree of metaphoricity.

In his excellent treatise on metaphor, Dutch analytic philosopher J. J. A. Mooij has attached a number of qualifiers to the general view of metaphor as a word or expression which is "foreign" to its context.[4] For our purposes, three of these qualifiers are most relevant. A term or expression can be considered paradigmatically metaphorical, he argued, only if: (1) it continues to have some shock or surprise value; i.e., it has not through repeated usage become a time-worn or "dead" metaphor; (2) the foreign term deviates in a special way from one or more other ways of using it that are considered to be primary or normal; (3) the deviation from primary or normal usage is radical or major.

By Mooij's criteria there are, indeed, a great many key terms in scholarly usage which were clearly metaphorical at their point of introduction. Think, for example, of some of the terms often cited as examples of social scientific metaphors: game metaphors used to describe social conflicts, economic terms used to describe social exchanges, dramatistic terms used to describe battles between id and superego, and, of course, the mechanistic metaphors--the memory as a storage bin, intrapsychic life as a hydraulic system, the eye as a camera, the brain as a computer or telephone switchboard, and behavior itself as driven. Let us note, however, that these metaphors have been around for a long time. Though they are hardly "dead" metaphors, they no longer shock or surprise us very much. Indeed, some of these terms--Freud's military metaphors, for example--have been appropriated into ordinary language as quite familiar expressions. My second category consists of cases that resist classification as either literal or metaphorical expressions because there are no established primary or normal usages for the term. These include cases in which the issue of appropriate usage is in dispute within a scholarly community and others in which scholarly usage departs radically from ordinary language usage. The term "atom" can serve as an example for both subcategories. As used by Newton, atom was a purely mechanical concept. Then Ernst Mach put forth the radical proposition that atom should be regarded as an exclusively mathematical abstraction with no objective reality of its own. Then the concept moved to the electrical realm as atoms were linked with electrons. For those who had become accustomed to the mechanical atom, was the mathematical atom a metaphor because of the shift in contexts, or was the mathematical atom "real"? And was the newly electrified atom a metaphor for the same reason? Consider further that if atom referred to anything over a period of almost two thousand years it meant something irreducible. Then the atom was discovered to have a nucleus. And then that nucleus was split and out came neutrinos, positrons, and a host of other particles. Was the divided atom a metaphor? Or, now that we have accomplished nuclear fission, is every reference to atoms as irreducible metaphorical?[5]

Recall that my third category of ambiguous cases consists of seemingly literal terms and expressions that, on careful inspection, exhibit some degree of metaphoricity. Included here are "nearly dead" metaphors that refuse to lie quietly, expressions fully consistent with conventional usage, but whose accepted meanings continue to reflect the influence of their metaphorical origins. Examples of this subcategory include substantives used in an abstract sense, terms such as "levels" (e.g., levels of consciousness) and "steps" (e.g., "Steps to An Ecology of Mind") that require a "mind's eye" conception of a physical relationship (as in levels or steps of a building) for us to understand their applications to incorporeal relationships. Also included are what I would call implicit metaphors. Until I read Skinner, I was convinced that I had a self and that the self had wishes, expectations, delusions, etc.[6] Skinner argued that "self" necessarily implied the metaphorical notion of an homonculus, a little person residing within each of us that required another little person to explain it. My little person, and his parts, said Skinner, are not very different from the souls and spirits that populate theological discourse. "Self," then, is an implicit metaphor, a conventionalized "substance" grounded on a metaphorical fiction.

My second subcategory consists of seemingly minor, undramatic deviations from primary to normal usage. As with the discourse of ordinary mortals, scholars bend and shape language to their own purposes, sometimes blatantly, more often subtly and innocuously. Established distinctions are ignored for the sake of a larger point or the meaning of a term is shaded by a particular kind of emphasis. We pay a price for shifts of this kind in the form of increased ambiguity, but they are probably a necessary part of scholarly argumentation. All of us can no doubt identify examples of these sorts of shifts in contemporary usage of the term "rhetoric" (e.g., "the nonverbal rhetoric of goodbye").

The metaphoricity of seemingly literal expressions often escapes our attention because it is subtle, implicit or obscure, but scholars often compound the problem by the way in which they metacommunicate about their use of these terms. Of the two basic errors, that of classifying metaphorical expressions as literal, the latter is far more common. Though scholars sometimes justify the introduction of vaguely defined terms on grounds that they are "only" speaking metaphorically, more often they reify or hypostatize key terms or intimate--often by saying nothing--that their use of the terms is fully consistent with established usage. After warning of the dangers of hypostatizing reality, Watzlawick, Beavin and Jackson hypostatize in turn when they allege as "fact" that a "hierarchy of levels seems to pervade the world we live in and our experience of selves and others."[7] After using gaming metaphors for six chapters of their scientific treatise on social conflicts, Tedeschi, Schlenker and Bonoma maintained in the seventh that the "free use of metaphor" has no place in science.[8]

Bitzer's essay on the rhetorical situation provides an example of a failure to signal.[9] The debate which his essay provoked would have been more sharply focused, I think, had Bitzer alerted his readers to the quasi-metaphorical status of the terms he used to describe the force of situation. Bitzer used a great many such descriptors, some of them considerably weaker in tone than the initial metaphor of the situation as controlling. Whereas at some points he speaks of the situation as "controlling," "determining," "constraining," "requiring," at other points he speaks of it only as "inviting," "suggesting," or "inspiring" a fitting response. These subtle shifts from his initial propositional claim have been a chief source of confusion for his readers, I suspect.

## Conclusion

We have seen in this paper that scholars tend to use terms of the neither-nor variety: neither paradigmatically metaphorical in Mooij's sense nor entirely literal. We have seen, too, that they tend to reify quasi-metaphorical terms or to suggest that their usage of these terms is fully consistent with conventional usage and therefore unproblematic. Why the reluctance to make free use of metaphor, or even to own up to the metaphoric play in seemingly literal expressions?

I think, first, that metaphoric invention is difficult for many scholars, both because it taxes the imaginations of those who would prefer not to think, and because it requires an oxymoronic style. In using metaphor within scholarly contexts, they must metacommunicate simultaneously that they are engaging in a kind of verbal play and that, as scholars, they wish to be taken seriously. Many scholars find this style of "serious play" difficult to handle.

But this is not all there is to the matter. Those who insist that their words can be understood in a purely literal sense reflect a longstanding mistrust of metaphor itself. Though few contemporary scholars echo the British empiricists' (e.g., Hobbes, Mentham, Locke) denunciation of metaphor as an instrument of deceit, a "perfect cheat," a device for obscuring the differences between "real entities" and "fictitious entitles," there are those still who would insist that all scholarly language manifest what Gusfield calls the "style of non-style"--that it functions as a "clear windowpane upon the world."[10] As philosopher Ted Cohen has remarked, metaphor's epistemological status remains "insecure."[11]

Elsewhere I have urged, as part of a larger project in rhetorical criticism, that the key terms used by scholars be subject to metaphoric analysis. That component of the project might begin with the unpacking of key metaphors, with special attention to the tropological character of seemingly literal terms and expressions. Because scholars' metacommunications about metaphor are often more ambiguous than the terms and expressions they comment upon, there is need for critical analysis of their explicative rhetoric. And, too, there is need for assessments of how a given metaphor functions within a body of discourse and for judgments of its appropriateness.[12]

The task of critically assessing scholarly metaphors need not be construed narrowly. As Wayne Booth has argued:

> A very large part of what we value as our cultural monuments can be thought of as metaphoric criticism of metaphor and the characters who make them. In this view, even the great would-be literalists like Hobbes and Locke are finally metaphorists--simply committed to another kind of metaphor, one that to them seems literal. Without grossly overestimating we could say that the whole work of each philosopher amounts to an elaborate critique of the inadequacy of all other philosophers' metaphors. What is more, the very existence of a tradition of a small group of great philosophies is a sign that hundreds of lesser metaphors for the life of mankind have been tested in the great philosophical--that is, critical--wars and found wanting.[13]

My main objectives in this paper have of course been much more modest than the project proposed. In contrast to the Batesonian conception of the literal and the metaphorical as distinct logical types, I have argued that they might better be viewed as ideal types, with most actual instances of key terms in scholarly discourse having an ambiguous status with respect to the literal-metaphorical continuum. Of the three types of ambiguous terms--the once blatant metaphors that have become familiar with repeated use, the terms for which there is no established primary or normal usage, and the ostensibly literal expressions--I have urged that special attention be given to the latter. The seemingly "dead" metaphors that we label as "literal" are very much alive, and the seemingly subtle shifts from conventional usage may, on close examination, appear as conceptual leaps.

## FOOTNOTES

[1] Gregory Bateson, Donald D. Jackson, Jay Haley and John Weakland, "Toward a Theory of Schizophrenia," *Behavioral Science*, 1 (1956), 251-264. Also see Haley's chapter on "Communication as Bits and Metaphor" in his *Problem-Solving* (New York: Harper & Row, 1976).

[2] Monroe C. Beardsley, "The Metaphorical Twist," *Philosophy and Phenomenological Research*, 22 (1962), p. 293.

[3] The experiment is cited as an example of the confusion of logical types by Paul Watzlawick, J. H. Beavin and Donald Jackson. See *Pragmatics of Human Communication* (New York: Norton, 1967).

[4] J. J. H. Mooig, *A Study of Metaphor* (Amsterdam: North-Holland Publishing Co., 1976).

[5] Part of the problem here appears to be that there are several competing conceptions of the terms "sense" and "reference." See Mooij, *op.cit.*, Ch 4; also Paul Ricoeur, *The Rule of Metaphor* (Toronto: University of Toronto Press, 1977).

[6] B. F. Skinner, *Verbal Behavior* (New York: Appleton-Century Crofts, 1957).

[7] Watzlawick, *et al.*, op.cit., p. 260.

[8] J. T. Tedeschi, B. R. Schlenker and T. V. Bonoma, *Conflict, Power and Games* (Chicago: Aldine, 1973).

[9] Lloyd Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* 1 (1968), 1-14.

[10] Joseph Gusfield, "The Literary Rhetoric of Social Science," *American Sociological Review* 41 (1976), 16-34.

[11] Ted Cohen, "Metaphor and the Cultivation of Intimacy," *Critical Inquiry* 5 (1978), p. 6.

[12] My suggestions are by no means original. For some excellent examples of metaphoric analysis of scholarly discourse, see Paul De Man, "The Epistemology of Metaphor," *Critical Inquiry*, 5 (1978), 13-30; Noam Chomsky, "Review of Skinner's 'Verbal Behavior'," *Language*, 35 (1959), 26-58; and Thomas S. Szasz, *Ideology and Insanity* (Garden City, N.Y.: Anchor, 1970).

[13] Wayne Booth, "Metaphor as Rhetoric: The Problem of Evaluation," *Critical Inquiry* 5 (1978), p. 66.

# THE CRITICISM OF FOREIGN POLICY ARGUMENT

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My assignment could not have come at a better time. A few days before I began to construct this state-of-the-art paper on foreign policy deliberations, the Spring issue of International Studies Notes arrived, containing a new feature: a "Research in Progress" section. Therein Norman D. Palmer, Professor of Political Science at the University of Pennsylvania, and a prestigious analyst of foreign policy decisions for half a century, surveys the state of International Relations (IR) research. I exaggerate not at all when I claim that he wrote my prolegomenon for me. Everything he has to say about international relations applies to criticism of foreign policy argument in spades. Attend:

> 1. After more than half a century of debate, there is still no agreement whether International Relations is a separate discipline, although it is widely regarded as a legitimate field of inquiry.
> 2. Even if it is accepted as a field of inquiry, there is little agreement regarding its nature or content.
> 3. Although innumerable theories of IR have been advanced, few, if any, have been generally accepted, even fewer have been well developed, and all attempts at developing a general theory or theories have been largely abortive. . . .
> 5. The study of IR is further handicapped by the fuzziness of the basic concepts that are used, and by the impression of, and lack of agreement regarding its terminology.
> 6. Still another handicap is the changing nature and the general uncontrollability of the "laboratory" in which IR scholars must work - which is the "real world" or the international system and its subsystems. . . .
> 9. There are many unresolved "great debates" in the field of IR, such as those between "realism" and "idealism," between "radicalism" and "conservatism," between "traditional" and "scientific" methods of research, between "normative" and "empirical" approaches.
> 10. There is still basic disagreement on the nature and role of values. . . .
> 11. However objective IR scholars try to be, they still tend to be ethnocentric and "culture-bound." They often reveal distinct cultural or ideological biases. . . .
> 12. If, as Karl Deutsch has written, "the study of international relations in our time is an introduction to the art and science of the survival of mankind," few IR scholars are either ready or willing to meet the fundamental challenge and obligation of their profession.[1]

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I do not believe Palmer's pessimism to be exaggerated. In fact, I believe that were a similarly candid assessment to be made of the state-of-the-art of other so-called social sciences, equally negative conclusions would be reached. If, then, chaos and inadequacy characterize the study of international relations generally, as they do, and if U.S. foreign policy as a subsystem of international relations suffers the same maladies, why mess with it at all? Why not study Zen, or raise flowers, or go into law and make money?

One answer - and a powerful answer - is to be found in Palmer's last contention, which incorporates a quote from Karl Deutsch. The nuclear-fueled anarchy of great power conflicts does threaten the "survival of mankind." Foreign policy may seem remote from the mountains of Utah, as indeed it once was. But we are now only minutes away from the missile silos of Wyoming; and no one knows how far away from the incident which can trigger Armageddon. We study foreign policy because we hope to increase the chances of survival.

But where do we begin, what areas of foreign policy should we study? We are confronted with a bewildering array of possibilities. And wherever we start, the heavy influence of past events leads us backward to antecedents and precedents, or the probable consequences of present events lead us forward to endless repercussions.

One plausible starting point can be obtained by asking, "What event has placed mankind closest to the holocaust?" The answer is "The Cuban Missile Crisis of 1962." Here was a conflict so dangerous that Kennedy himself estimated the chances of nuclear war to be as great as 50-50. The Cuban Missile Crisis offers magnificent opportunities for the student of argument. We know much about the background of the conflict, about the operational codes and vested interests of the decision makers, about the hour-to-hour unfolding of events, about the arguments offered to support alternative courses of action, and about which arguments were ultimately persuasive. The literature is rich, provocative, and available to all.[2] While the Missile Crisis is embedded in the whole complex history of Soviet-American and U.S.-Latin American relations, the action came within a limited period, and it can be studied as a relatively self-contained unit.

Equally significant, but less wieldy is the syndrome of crises beginning with the fall of Nationalist China, leading through the Korean War and the Quemoy incidents, culminating in Vietnam. It is often forgotten that Eisenhower threatened the use of nuclear weapons in Korea, and that various American military-political figures, including a candidate for the Vice-Presidency, argued for their use in Vietnam. The long-term consequences of the China-Korea-Vietnam embroilment have been more traumatic for this country than even the Missile Crisis. The literature here is more diffuse and less focused; Asia is a quagmire in which argument analysts can easily become bogged down. But the dramatis personae of our Asian adventures are as colorful as any set of decision makers are likely to be: Vinegar Joe Stilwell, Claire Chennault, Douglas MacArthur, Harry Truman, Joseph McCarthy, John Foster Dulles, Lyndon Johnson, Richard Nixon, Henry Kissinger. How they argued and reached decisions, and with what integrity, has to be of interest even to jaded undergraduates.

There is, of course, the possibility of plunging directly into the foreign policy arguments occupying today's headlines. How should we evaluate the arguments for and against SALT II? What should we believe about the new government of Rhodesia? How cogent are the arguments for U.S. support of the Israeli-Egyptian peace? Should we carry through the controversial Panama Canal Pacts? All of these tortured controversies can lay claim to our attention.

Or, if one is more historically minded, there are at least two seminal decisions farther back in time, both of which powerfully influenced the shape of the modern world, both of which were cliff-hangers for the American nation: Wilson's decision to invade the Soviet Union, and the Senate's decision to keep the United States out of the League of Nations. In retrospect, both these decisions seem moronic and incredible. Is it too much to expect that a study of the arguments which led to them would enlighten us in our present trials?

* * *

How can one analyze and critique foreign policy arguments? Texts on argument are rather thin on this point. One of the complaints Palmer articulates about the study of international relations applies with particular force to argument theory: everybody is uneasy about the nature and role of values.

The brethren in international studies, like their compatriots in political science, sociology, and even economics, have tended to try to develop a value-free "science" which will, in mimicry of B. F. Skinner, finesse the raging problems of human goals and aspirations. Usually this approach assumes agreement on some form of census-taking as providing sufficient guidance in the development of policy. As David Braybrooke explained it to me just as the Vietnam War was heating up, in 1965, we could know what policy to follow in that tortured land by applying scientific survey techniques to find out what the natives want. When we find out, we give it to them.[3] I hope I need not, before this audience, criticize that analysis. It is, of course, a _reductio ad absurdum_ of the value-free ambition in social science. But it is Braybrooke's _reductio_ not mine, and it is not really all that far removed from the claims of those who tout systems analysis as the ultimate technique of decision makers. From where I stand, the discussion and criticism of values lies at the heart of every foreign policy argument. Where values are not made explicit and raised to the level of consciousness, deliberation is apt to go astray.

It is precisely by way of articulating and criticizing values that the most trenchant criticism of the U.S. involvement in Vietnam has come. The hawks who nurtured that war, probably without exception, presupposed the sanctity of American commitments to aid nations threatened by Communist invasion or subversion. The argument offered countless times in the early nineteensixties for an escalation of our role in Vietnam, when fully spelled out, looks like this:

Goal or value-statement: The U.S. should fulfill its commitment to the Vietnamese.
Position re this goal: We are not now fulfilling our commitment to the Vietnamese since we are not fully engaged in the war.
Prediction: Full involvement in the war will clearly fulfill our commitment to the Vietnamese.
Therefore, the U.S. should get fully involved in the war.

Here, under imprimatur of official rhetoric, was a badly flawed argument. Serious doubt exists about the validity of interventionism in general, but the main flaw was the vagueness of our "commitment" to Vietnam. Johnson, Rusk, Bundy, McNamara, Rostow all talked as if there were a specific, clear and binding promise. But there was none. Gruening and Morse, initially, and Fulbright later, singled out the value premise here and held it up to careful inspection; but for most of the body politic, this premise, unexamined, allowed official argument to prevail.

The "fulfill our commitment" argument on Vietnam was at least openly laid out. Not all of the argument in foreign policy decision groups is shared with outsiders. In the Cuban Missile Crisis, one very significant argument was not publicized until long after the event. This argument was apparently never even articulated during the deliberations, though this is not surprising. It has to be reconstructed from memoirs of the participants, and from a conversation reported in Robert Kennedy's Thirteen Days. President Kennedy had decided on a blockade of Cuba, and the U.S. Navy was in truculent deployment. As Soviet ships approached our blockade, JFK confided to his brother that things looked bad. Robert replied, "'I just don't think there was any choice, . . .' The President thought for a moment and said, 'That's what I think - I would have been impeached.'" (page 67).

Here we obtain an indication of the unarticulated, possibly even subconscious, working of an argument which begins to explain Kennedy's rejection of the whole range of non-forcible alternatives in the Missile Crisis. This argument might be laid out this way:

Goal or value-statement: This Administration must maintain its public support.
Position re this goal: The public expects firm response to such aggressive moves as missiles in Cuba.
Prediction: An aggressive response such as a blockade will maintain public support for this Administration.
Therefore, we should establish a blockade of Cuba.

What influence this line of thought had with President Kennedy we can never know. There were, of course, other arguments for a blockade.

But as Kennedy himself put it, "The essence of ultimate decision remains impenetrable to the observer - often, indeed, to the decider himself."[4] From other sources we know that getting reelected was very important to Kennedy. He told some of his close associates that he intended to get out of Vietnam if he were reelected in 1964 - but not before.[5] He told Theodore White, during the 1960 campaign, that he should apologize to John King Fairbank and Owen Lattimore for having joined the McCarthyites in accusing them of "losing" China - but this had to wait on the appropriate moment politically.[6] It never came.

So it is entirely possible that the most important argument of all, in the deliberations during the Cuban Missile Crisis, was never put forward at an Ex-Comm meeting simply because it would reveal that the President was putting his personal interests first, rather than the national interest: "I have got to be tough in Cuba or I will be impeached."

How does one judge a value premise such as "This Administration must retain its public support," when the consequence of accepting such a premise may be nuclear war? Value criticism may be the fuzziest and most unsatisfactory of all scholarly enterprises. As the great Apostle said, we see as through a glass darkly. Nevertheless there are ways in which value premises in policy arguments can be critiqued. First, one can inspect their factual grounding, as in the "commitment" to Vietnam" example. Second, one can test their consistency, a la Kant, and ask "Do we always act on this basis?" And thirdly, one can test their compatibility with other values. Do we really want to maintain military superiority over the Soviet Union, for instance, if that goal is incompatible with a healthy economy, or with a desired level of social services? I offer these approaches to the criticism of value premises not as a complete heuristic, but as a starting point. The absolutely vital matter is that all foreign policy argument incorporates value judgments, and one's argument layout must force these judgments into view. One can then, however inadequately, begin to criticize them.

* * *

If an adequate foreign policy argument layout must begin with a value statement, it must close with a prediction. Inherent in any such argument is a claim that taking X action will achieve, or approximate, or move us closer to the goal or value upon which the argument is based. This is not just a matter of definition. The necessity for anticipating the outcome of proposed policies has long been acknowledged in economics, however impotent economists are in aligning their predictions with the world of events. Political scientists recognize that the bottom line of political argument is always a projection of some policy into the future. So much is simple common sense. If one asks, "Why should we ratify the SALT II agreements?" some part of the answer has to be a statement of this sort: "Because they will slow down the arms race."

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In the great foreign policy debates of this century, one argument of global consequence, which had impeccable credentials, centered on a prediction which came true. Had this argument been accepted by decision makers in Washington, the history of the last thirty-five years would have been quite different, and the massive Vietnam trauma which racked this country a decade ago might have been avoided. The argument was made by responsible journalists, by prominent military figures, and by some of the most perceptive foreign service officers this country has ever produced - yet it failed. The argument, offered during the period 1943 to 1949, was simply this:

Goal or value-statement: The U.S. should maintain contact with the future rulers of China.
Position re this goal: The U.S. now maintains contact only with the Kuomintang Government.
Prediction: The Communists under Mao will probably take control of China.
Therefore, we should establish significant contact with the Chinese Communists in Yenan.

This argument was made by Edgar Snow, and Theodore White, and Annalee Jacoby. Stilwell subscribed to it, and Col. Evans Carlson. John Paton Davies, Ray Ludden, and John Stewart Service made the argument in their official dispatches after serving with the Dixie Mission. Davies authored the most pithy formulation, which became, later in the McCarthy Years, notorious; in a dispatch of November 7, 1944, he said, "The Communists are in China to stay. And China's destiny is not Chiang's but theirs."[7]

When the terror was in full flood, the McCarthyites claimed that this was a self-fulfilling prophecy, in that American refusal to completely underwrite Chiang caused his downfaull. There is not one shred of evidence to support this contention. The Nationalist Government fell of its own venality and incompetence. It lost the mandate of heaven years before its final demise, and no force on earth could have preserved it.[8]

Losing arguments, as well as winning arguments, deserve our attention. Aristotle was surely wrong in claiming that truth and justice are more powerful than their opposites, so that if a truthful argument fails, those who used it are to blame. History is full of instances where bad arguments drove out good, where the paranoid style of argument overcame reason, where malicious men and corrupt institutions triumphed over the true and the virtuous. I do not practice, nor promote, the analysis of foreign policy argument in the belief that any scholar can produce an enlightened policy which will make consistently good decisions. For one thing, Henry Kissinger is still at large, and neither Garry Trudeau nor William Shawcross is likely to counterbalance his meretricious influence.

Failure, in fact, is the lot of most cogent arguments about foreign policy. I can claim to have been at the vortex of one of the

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most magnificent failing arguments of the latter half of the Twentieth Century. The magnitude of this failure can be measured by the fact that now for the first time, eighteen years after the event, am I able to confront the failure publicly and head-on. In 1954, when the college debate topic was recognition of Communist China, I was among those debate coaches attacked by the Hearst press for subverting the youth. This topic was not debatable; to even suggest that we should have dealings with the devils in Peking was treasonable. The debate fraternity was profoundly shocked by this attack. I reacted by constructing, between 1955 and 1961, a full-scale analysis of all the arguments on recognition of Communist China, for and against, which analysis Macmillan published in the Fall of 1961.

I do not claim that this analysis was flawless. I misevaluated the Chinese takeover of Tibet, for instance, accepting the faulty conclusions of the International Commission of Jurists. I did not appreciate the depth of either Great Russian or Chinese chauvinism, and hence failed to realize the intensity and durability of Sino-Soviet conflict. But worst of all, I did not realize that the power of the China lobby, the hammerlock put on China policy by McCarthy and his allies, the feat within the Democratic Party of damage such as was sustained by Truman due to the "loss" of China had all made by careful analysis of the question irrelevant.

Recognition of Communist China: A Study in Argument fell from the press stillborn. It came to all the right conclusions - a decade before the country was ready for them. It received flattering endorsement in journalistic and intellectual circles - a third page encomium in the Times Book Review section, favorable treatment in Saturday Review, even considerable praise in the dour American Political Science Review. Nobody attacked it. Bill Buckley's National Review, which carried a hostile two-paragraph pre-publication notice, chose to remain silent thereafter. It sold 20,000 copies, was read in the Kennedy State Department, and then totally ignored.

How more traumatic could the reception of a major analysis of foreign policy argument be? What clearer warning could one have that the world is not governed by rational argument, but by crude popular passions and blind self-interest? Norman Palmer's jeremiad about the state-of-the-art of International Relations in 1979 is mild compared to the situation which prevailed at the end of the nineteen-fifties: McCarran carried on for McCarthy, Jenner went Knowland one better, Dulles pranced on the brink of the Netherworld, to be succeeded by Dean Rusk, whose rigidity on Asian policy was second to none. Change came, the policy I so assiduously showed was correct, only when Richard Nixon, one of the original creators of estrangement, found that he needed a foreign policy spectacular to assure his 1972 election.

Nor was I alone in finding my rational masterpiece spurned in the corridors of power. One of the most impressive analyses of Soviet-American relations ever produced, authored by the originator of the doctrine of containment, a former U.S. Ambassador to the Soviet Union and Director of the Policy Planning Staff of the Department of State, none other than George F. Kennan, came out in 1958. Kennan's study showed brilliantly that we should disengage from the Soviets in Central Europe; while his argument aroused much controversy, it ultimately met the same fate as mine. Russia, the Atom, and the West is compelling in its treatment of the Soviet-American confrontation; but the real world is not governed by compelling arguments.

So we are once again back at an earlier question. Why do we bother to make and critique arguments on foreign policy? If the state-of-the-art is as dreary as Norman Palmer says; if the devotion of decision makers to bad arguments and to demagoguery is as enduring as it appears to be; if one's best efforts are greeted by apathy and rejection, why continue?

Men will argue, on foreign policy and other matters, as long as they inhabit this earth. Just as the unexamined life is not worth living, the unexamined argument is not worth making - or listening to. We criticize, and analyze, because we must. Let us have at it. The specialists in International Relations have hardly preempted the field. Someday, somewhere, someone may listen.

## FOOTNOTES

[1] Norman D. Palmer, "Some Continuing Problems in International Relations Research," International Studies Notes, Spring, 1979, n.p.

[2] One can conduct a solid study of the Missile Crisis, and get a satisfactory dose of theory to boot, with only four books: (1) Elie Abel, The Missiles of October. (2) Graham Allison, Essence of Decision. (3) Irving Janis, Victims of Groupthink. (4) Herbert Dinerstein, The Making of a Missile Crisis. This progression takes one from a competent journalistic chronology, through a sycophantish and wrong-headed academic treatise, then an overblown bit of "scientific" psychology, ending with a marvelous Kremlinological analysis.

[3] Interview, June 28, 1965. For the full-blown theory which gives rise to such judgments, see David Braybrooke and Chalres E. Lindblom, A Strategy of Decision. New York, 1963.

[4] This quote is carried on the frontispiece of Allison, Essence of Decision.

[5] See Jim F. Heath, Decade of Disillusionment. Bloomington, Indiana, 1975, 162.

[6] White tells part of this story in his memoirs, In Search of History, 470. Additional details came from an interview with Lattimore, March 15, 1977.

[7] China White Paper, 573.

[8] See John F. Melby, The Mandate of Heaven: Record of a Civil War, China 1945-49

# WELCOME BACK RHOJACK: MASS MEDIA AND THE STUDY OF ARGUMENT

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> All societies have evolved ways of explaining the world to themselves and to their children. Socially constructed 'reality' gives a coherent picture of what exists, what is important, what is related to what, and what is right. The constant cultivation of such 'realities' is the task of mainstream rituals and mythologies. They legitimize action along social functional and conventionally acceptable lines. . . . Television, the flagship of industrial mass culture, now rivals ancient religions as a purveyor of organic patterns of symbols--news and other entertainment--that animate national and even global communities' senses of reality and value.
>
> --George Gerbner and Larry Gross[1]

Mass media identify moral, social, and political problems as a matter of course. Obvious in the case of news, the same is true of what is popularly called "entertainment." Prime-time TV is a series of problematic situations encountered by a variety of characters. "Family" shows dramatize problems facing the family; "law and order shows" dramatize problems facing law enforcement agencies. These problems may be in the face of reality, quite trivial; they may constitute an illusion, obscuring important issues; or they may reveal useful alternatives to the status quo. How they are defined and resolved symbolically, this is the point at which the student of argument, interested in the deliberation of public issues, cuts into the content of mass media.[2]

What follows is an analysis of the way three shows, popular in the 1970s, identified and resolved problems relating to the family, education, and law enforcement. Beginning with a context in which problems may be said to exist as other than symbols, we turn to the symbolic constructs through which they manifest themselves on primetime. No assumptions are made about the intent of the writers, directors, and actors--they may or may not have been aware of a dialectical relationship between their work and other shows or with problems experienced by real people in the workaday world. Our focus is on the sense of coherence these shows provide for the world beyond the screen. Drawing together the titles of these series, we are in a position to "Welcome Back Rhojack."

Freeways rip into old neighborhoods, people struggle to escape garbage-strewn inner cities, the young leave small towns in search of better jobs, the center does not hold. Inflation, unemployment, scarcity foreclose the prosperous future which, until recently, was thought to constitute the American way of life. We are beginning to look backward, to re-discover the world of our fathers. There is, as Howard Stein and Robert Hill point out in the American Scholar, a passion for ethnicity abroad, a passion which is "part of a more general quest among us in America for roots, community, order, for the mystifications and longings and hunger that travel under the banner of 'identify.'"[3] We no longer look back in the way that "Bonanza" or "Gunsmoke" did, on the strong, brawling pioneers who made this country great, but upon the ordinary people, the families who worked together to survive hard times. The Waltons represent one of two archetypal families in the American mythos, the one which lives on the farm with children doing the chores, women in the kitchen, dad and granddad in the fields. The other family lives in the city, on the wrong side of town, when "wrong" was associated with immigrants and not with ghettos, where parents from the old country struggled with poverty, language, and new world ideas with a sense of purpose, to help their children have it better than they did.

"Rhoda," in the beginning, was squarely in the ethnic tradition. Rhoda is Molly Goldberg's daughter. Thirty-five years old, her mother, Ida Morgenstern, continued to treat her like a child, offering advice on sexual matters ("don't'), manners, and the importance of marrying a good provider. In one episode, Rhoda's mother thought herself seriously ill. Drawing closer to Rhoda and her other daughter, Brenda, Ida asked to share in their secrets, not like a mother, but as a sister. Brenda was thinking about having an affair with an accordian player. The secret revealed, her mother tells her to live it up; that, in the face of death, she now sees that she might have led a different, more exciting life. Rhoda is incredulous: "You never talked to me that way." "I know," her mother replies, "but would it have made any difference?" "No," mused Rhoda, "but it would have made me feel a lot different about what I did." When Brenda, earlier, had asked Rhoda for her advice, she had counseled prudence. Rhoda was a Jewish mother-to-be. She had seen life, saw it as problematic, but had returned to the world of her mother. The Bohemian world exists, may even be tasted by women in modern dress smoking Eve cigarettes, but it was tradition, keeping house, counseling the young, remaining constant, and thus keeping sanity and life together, that "Rhoda" was celebrating.

Lucy was completely daffy. Oil stocks, mink coats, vacations to Rio, the series was a scheme a week for living beyond what Ricky could provide. This was not a theme with "Rhoda." It did not need to be. Whether single or married, she lived in expensive, well-furnished apartments. Rhoda was middle to upper-middle class; Lucy hovered at a lower level. Retain Lucy's dreams of wealth and status, play it on the borscht circuit, and you have Ida Morgenstern.

Whatever else might be said, the early "Rhoda" portrayed a tight family. Brenda consulted her older sister who, in turn, was being constantly advised by their mother. The humor came through Rhoda's ironic vision, her attempt to maintain her mother's love and respect while, at the same time, trying to create her own life. We saw her coping with a variety of neuroses issuing out of a childhood of "be carefuls," "don't get fat," "why aren't you married by now." Rhoda's strategy was to hold on to her upbringing while, at the same time, acknowledging it provides only one among many roles open to the modern woman in the big city. Through her affairs, her despair, through wild and chaotic times, Rhoda still hears the fiddler on the roof. Tradition!

It was both ironic and revealing that, in an effort to create a profitable spinoff, Rhoda's mother moved to Nevada to take a job as a chaperone for a group of chorus girls while, in an effort to improve ratings, Rhoda divorced Joe. TV's commitment is not to the Family, but to profitable families. Tradition, in mass media, survives so long as it attracts a large enough share of the market.

"Kotter" was another show celebrating ethnicity and tradition. Kotter, a high school teacher, was once a member of the class he now teaches, a class of trouble makers, losers, all but dropouts. Kotter returned to his childhood, his home among the tenements, in the role of a teacher whose aim is to keep kids from dropping out. While Gabe Kotter's ethnic background was muted, the kids in his classroom--Barbarino, Epstein, Horshack, and Washington--were clearly identified. In one episode, Epstein was asked to perform a mock ceremony for Washington and his girl friend who were planning to drop out and get married. He performed it in Hebrew. Washington, after doing a dance in rhythm with the chanting, turned to Kotter and asked what Epstein was saying. Kotter answered: "It's all right. I'll tell you if he says anything bad." The entire show turned on the efforts of Kotter and several of his students to prevent the marriage, so that Washington and his girl would not have to drop out of school.

Kotter was Molly Goldberg in drag, a Jewish mother at school, treating students as so many children to be watched over, guided, protected from the harsher realities. Homeroom was family time. Not only did Kotter play an established role, in which he had to outwit administrators in his school who looked upon students as "them" to be directed, examined, and guarded against--delinquents sent on their way as quickly as possible--but he also held a position which had as its goal the fitting of other people into established roles. The "sweathogs" were, of course, not easily directed. They could not stay in their seats for more than five minutes, and could not remain silent. Some crossed over the line; at least, we were told that they did. No one ever drew a knife; no one was ever "punched out"; the kids did not scratch or swear or make obscene gestures.

Not that they should. The stories of teachers assaulted in the classroom fill education conferences--threats are not even worth talking about. Students are dropping out by the hundreds of thousands, mentally if not physically. Johnny can't read. Discipline is a joke. Yet there are the Gabe Kotters, and there are students, given up as encourageable, who do respond. But this is an idealized world in which every student, by the end of the show, comes 'round. Kotter set up a role-playing situation for Washington and his girl. They became engrossed in the problems of married life to the point that they drew away from one another, wondered why they really were getting married (she was moving away, and he did not want her going out with other guys), and decided to call it off, promising to be true to one another even though apart. All this took place during one homeroom period with everyone, when the bell rang, happily going off to first period.

It is comforting to feel that schools are working, will still work when young mod males and females are in charge and grey haired, when authoritarian straights retire. The vice-principal was one of those crotchety, can't-get-it-up-over-the-hill stereotypic jokes the media latches onto for an easy laugh. "It's them against us," he told Kotter. "Come to think of it," he reflected, "you're one of them." "Thank you," replied Kotter. It was so easy to identify with the personable, hard-working, virtuous Gabe, and to dismiss the suited, addled, uptight vice-principal, that we may have missed one of many elderly villains who populate the media.

Discrimination against the aged in our society makes itself known in the media just as does discrimination against race and sex. For all we have had to say about Rhoda's mother, she was still a foil for Rhoda's more worldly wit. Prime time television "associates old age with increasing evil, failure, and unhappiness. In a world of pleasant portraits and happy endings, only 40 percent of older male and even fewer female characters appear successful, happy, and good."[4]

The media's pitch against the elderly represents only one break with a tradition in which grandparents were not only loved but also respected for their wisdom. Molly Goldberg's family has not survived. Rhoda's mother wanted to be a grandparent, but was not. Kotter's family did not figure into the show much, except for a few bouncy scenes in the apartment, though this changed somewhat with the arrival of twin daughters. Having grandparents move in would be awkward and, no doubt, unpopular (which is enough to keep it off the air). What would happen to the happy sensuality Rhoda and Kotter enjoyed? Could they smoke dope openly--one supposes these mod characters would be able to distinguish a cockroach from a roachclip--or would they have to hide in the bathroom? How would Kotter explain his students' dropping in at all hours with weird personal problems?

These shows were not designed for extended families or for children. Rhoda had a child only in a metaphorical sense of a younger sister, but the ethnic revival had a deeper attraction here than simply reaffirming the institution of the family (in Rhoda's case, all the more obvious for her divorce). The attraction had to do with the sure, direct, loving old country way of controlling behavior. Neither Kotter nor Rhoda were as single-minded as their parents. They were more fragile, introspective, more tolerant of differences; but neither represented the benign permissiveness which would allow a sister or a student to do their own thing, if it meant dropping out. Both were much too committed to a society built around family and school to allow for that.

A similar celebration of ethnic values appeared in "Kojak." Theosophilous Kojak was Greek, and prominently so. His job was not educating the young, but keeping the peace. In place of sensitivity and introspection, we had power: the hustler, the pool shark, one who might have gone either way. No family man, Kojak, though he dedicated himself to protecting the young and the innocent. As we watched a parade of beautiful women attracted to his Zorba-like charm, his sense of humor, warm feelings for his friends, his willingness to put his body in the way of the knife, we discovered the ethnic center outside the family. Kojak knew who he was; he knew where he came from. He was no rule worshipper. He knew the law both in the letter and in the spirit. A pleasant con man helped him track down a killer. At the end, the killer dispatched, Kojak turned to him and said, "When I turn around again, I don't want to see you." Like Marshall Dillon, Kojak faced a problematic world wherein he not only enforced but also interpreted the law. What guided Sergeant Friday when the law required human interpretation? What helped him when ambiguity in the crime or the law demanded personal judgment? Friday was rootless; his forte was dedication to the law and delight in routine. In a problematic world, Sergeant Friday is empty, an automaton. Kojak, on the other hand, called on a moral code more ancient than English common law. He was Ulysses, wiley, intelligent, courageous. He tolerated institutional authority, but only so long as it did not interfere with his *telos*, his true function which was never confused with simply following rules. He harassed the "feds" over the investigation and prosecution of crimes--the Greek hero versus the empty bureaucrat. A "treasury official," young, smooth Anglo, wanted to call off a "tap" because it could have turned up information embarrassing to certain unnamed state and federal government representatives. He told Kojak that the stakeout was over; it cost too much for what it was delivering; they already had enough evidence. Kojak looked him in the eye: "You played your trump. Now I'm going to play mine. How embarrassing," he sneered, "for the newspapers to find out that an important cooperative effort between state and federal officials was called off just before evidence damaging to important politicians was about to be uncovered." "You--you wouldn't!" the young politician stammered. But we knew that he would.

Kojak, the Greek godfather, protected his people, but the godfather, as Coppola understood, was the soft underbelly of old world tradition. The theme threading through Coppola's epic, especially clear in "Godfather II," concerns the destruction of the immigrant family. Mother, father gone, divorce, custody fights, Michael at the end has ordered the execution of his brother, watched his sister throw herself at one gutless male after another. He is completely cut off from the world that made his father. The Family became a Legion, the Legion a Corporation. Michael enjoys corporate profits, but for what? He has no center, no love, no feeling; his life has become a dark blossom of malevolent calculation.

The immigrant Irish family with its Jimmy Cagneys, Mickey Rooneys, and Spencer Tracys has faded. Looking back to a time when families contributed orderly, hardworking boys and girls, reliable, honest, flag-saluting citizens of the Republic; no matter that, during the "gay 90s" when this Golden Age was supposed to have existed these same children were being pressed into the mines and the sweat shops for pennies a day, that the Haymarket riots had occurred and the Palmer raids were to come. Just before the turn of the century, Henry Adams, fearful of the anarchists, wrote:

> It has been assumed that the United States, with her boundless opportunities for industrial development, could easily absorb all immigrants and instruct them in the ways of free institutions. For the most part this expectation has been met, but of late certain Poles, Bohemians, and Hungarians (many of whom it must be said, were imported by labor contractors), as well as some Germans who left their country for their country's good, have proven a hard meal to digest.[5]

Still we search for some relic, some fragment of long dead saints: the Jews, the Greeks, the Poles, first generation immigrants whose sons grew up believing that they could become president.

No matter that the immigrant population in New York is now predominantly Puerto Rican and Southern Black; no matter that young men from this group show up on prime time TV and in movies like "Death Wish" as those against whom the weak must be protected; no matter that the third and fourth generation immigrant sons have moved out into the suburbs to worry about property taxes and getting their parents to Golden Acres so they can be with their own kind in their declining years. The myth of ethnicity, and its manifold virtues, lives on in the media, an idealization of tradition and power which, in retrospect, makes the turn of the century a golden age, a time which enjoyed a more secure and orderly society, when people could recite the names of the Presidents and salute the flag with tears in their eyes. We tune in to watch them and their children try to put the pieces back together, maintain the family, make high school work for the poor, instill the police force (no longer manned with red-faced Irish cops) with the sense of commitment which once made the streets safe to walk at night.

Stepping back from our critique of "Rhojack," however, what conclusions are there to draw for the study of argument? On the face of it what we have been dealing with is a social critique of prime-time television. But the content of mass media, when it is situated in an historical context, in a dialectical relationship with real problems, becomes both an important and relevant subject for the student of argumentation. For while there is more to the critique than a formal analysis of argument, if it were so reduced--and what is the "structure" of an argument but a shorthand reduction of the context and drama of an actual disagreement--it would look like this:

(1) Social institutions in modern America--the family, education, law enforcement agencies--are encountering problems.

(2) The ethnic groups from which many of us are descended had a strong belief in the family, respected education, and supported the forces of law and order.

(3) Therefore, we should return to our roots in an effort to resolve our difficulties.

Taking on this form, the argument invites all sorts of rejoinders, the most telling of which is that the plan does not meet the need. Reducing everything to a crisis of the spirit, to attitudes or beliefs, or to inspired ruminations encourages us not to question a social order which depends on unemployment to solve economic problems and, at the same time, rails against the numberless "able bodied" who are unwilling to work, the welfare cheat, and the criminal. To build a society with a sense of community strong enough to nurture long lasting relationships, where people are both economically secure and yet have enough time away from work to get to know one another, where "sweathogs" have something more to look forward to in life than stupifying labor in factories under conditions dangerous to their health, where crime ceases to be a romanticized attempt to survive, but evidence of a lack of imagination, to build a society like this requires tremendous effort. Such effort is especially difficult in a time of diminished resources when individuals are tempted, even more than usual, to adopt an "I-am-the-fittist" ethic. It is in this context that prime-time becomes more than mere entertainment. It enters the domain of politics, legitimizing actions along socially functional and conventionally acceptable lines. That the argument is cast in the poetic mode, unintended by the writers, directors, actors, or networks, and ignored by the audience, does not, in a world in which "reality" is mediated through commercial television, make it one whit less relevant to the deliberation of important public issues.

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# FOOTNOTES

[1] George Gerbner and Larry Gross, "Living with Television: The Violence Profile," *Journal of Communication*, 26 (Spring 1976), 1976-1977.

[2] For a brilliant case study of the media's impact on the climate of opinion, see Stuart Ewen, *Captains of Consciousness: Advertising and the Social Roots of the Consumer Culture* (New York: McGraw-Hill), 1976. For a more theoretical view of the connection between mass media and social problems, see Hans Magnus Enzensberger, *The Consciousness Industry: On Literature, Politics and the Media* (New York: The Seabury Press), 1976; Claus Mueller, *The Politics of Communication: A Study in the Political Sociology of Language, Socialization, and Legitimation* (New York: Oxford University Press), 1973; and Alvin Gouldner, *The Dialectic of Ideology and Technology* (New York: Seabury Press), 1976.

[3] Howard F. Stein and Robert F. Hill, "The Limits of Ethnicity," *American Scholar*, 46 (Spring, 1977), 183.

[4] Craig Arnoff, "Old Age in Prime Time," *Journal of Communication*, 24 (Autumn, 1974), 87.

[5] H. C. Adams, "Shall We Muzzle the Anarchists?", *Forum*, I (July 1886), 449.

# PERSPECTIVES ON ARGUMENT

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The main purpose of this essay is to explicate three distinct but interrelated perspectives for the study of argument; taken together, they constitute a conceptual system which may give greater order and clarity to an area of inquiry that is presently characterized by a diversity of approaches and apparently incommensurable results. The conventional notion of argument as a formal logical construct has lately been challenged by new conceptualizations. One theme of this essay is that the very question posed in many of those efforts--What is argument?--is misleading. For recent scholarship in the field demonstrates that one single construct of argument cannot do justice to the several unique approaches taken by diverse scholars. If we are ever to develop anything like a "theory of argument," or to place argument within a larger theory, we will need conceptual schemes that recognize and clarify relations among the different sorts of questions, data, and explanations that scholars produce. This essay, therefore, poses a more appropriate set of questions along these lines: What are the several ways in which scholars construe argument? What different perspectives are thereby created? What interests or purposes inform each perspective? What can be gained from studying argument in each way? An analysis of the three chief perspectives that have guided the study of argument in fact (though often unconsciously) will yield a better appreciation of the uses and limits of each one and may pave the way to an eventual synthesis.

A second purpose of this essay is to apply the scheme of three perspectives to some recent problems in argumentation. I will argue that several such controversial issues will turn out to be pseudo-problems when examined from the standpoint of the three perspectives.

The distinctions drawn in this essay have been lurking about in the scholarship on argumentation for some time, and I claim no originality for merely recognizing them. The three perspectives have never been analyzed in the sort of detail undertaken here, however; nor have their relationships as parts of a larger conceptual system been fully explicated.

By way of preliminary orientation, it will be helpful to note where this essay stands in relation to some other efforts to conceptualize argument. In one recent exchange, Brockriede and O'Keefe made some progress toward describing the phenomena that are of interest to scholars in argumentation.[1] Brockriede's initial observations about argument as a person-centered, open, and variable concept are useful starting points, particularly his observation that "argument is not a 'thing' to be looked for but a concept people use, a perspective they take."[2] Although he offered a definition of argument based on six characteristics, I am inclined to discount the definitional approach in order to reinterpret Brockriede's purpose as characterized by his title, "Where is Argument?" What Brockriede offers, I believe, is a description of the kinds of situations where the study of argument will prove fruitful. Thus, I find it useful to recast his description to say something like the following:

> The study of argument, however one construes it, is generally appropriate in situations where one or more members of a social group (i.e., persons who share a frame of reference) respond(s) to problems or uncertainties by advancing and justifying claims in order to facilitate decision or choice among alternatives. Incidentally, among other features of interest, is the degree to which such arguers put themselves at risk.

The point of O'Keefe's critique of Brockriede was not to reject the general characterization of places where arguments can be found, but rather to distinguish two different phenomena that may be discovered in such places. O'Keefe's argument$_1$ refers to a kind of speech act indexed in everyday talk by expressions like "making an argument," and argument$_2$ refers to an interaction indexed by expressions like "having an argument."[3] Now, it does not follow necessarily that, because there are different phenomena, there must be different constructs of argument, and indeed Brockriede argued in his rejoinder that the six characteristics of his wholistic construct of argument all applied to the two phenomena identified by O'Keefe.[4] Nevertheless, from the recognition of discrete phenomena, as in O'Keefe's essay, there emerges a strong suspicion of the need for discrete constructs, conceptions, or perspectives for analysis. The purpose of this essay is to begin explication of three such conceptual schemes or perspectives that have evolved to facilitate the study of the several phenomena comprehended by the term "argument." I am not concerned here with the phenomena, per se, but with ways of looking at them, and my analysis cuts across O'Keefe's distinctions.

As I observed earlier, this essay extends certain lines of thought that have been touched on, or partially developed, in other works on argumentation. Fisher and Sayles, for example, developed a distinction between the rhetorical and logical views of argument in a manner generally consistent with what follows.[5] Finally, some ideas advanced in my essay--perhaps the most important ones--were expressed by Maurice Natanson in an essay tracing the movement from a naive concern for concrete arguments, to a more reflective regard for arguments-as-such, to a philosophical concern for argumentation as the means for risking, and thus creating, the self:

> Who moves from an argument to the logical form of arguments of that type turns from an argument as such. Argumentation, we may suggest, goes a considerable step further: there is the total range of involvement of arguments--arguments as such--and the arguers participating in such proceedings are subjected to a theoretical order of scrutiny which seeks to arrive at a rationale for the entire enterprise. In these terms, an argument is a naive content of daily life; argument as such is the theme for a disciplined inquiry which must stand outside of common-sense affairs; and theory of argumentation is a distinctively philosophical entertainment.[6]

Natanson's discussion of this movement recognizes the rhetorical, logical, and dialectical impulses that have shaped our ways of construing argument. What follows is an effort to clarify the perspectives of rhetoric, logic, and dialectic as applied to the study of argument.

I will begin by describing the three perspectives, first sketching them broadly and then filling in finer detail. For the most part, I will describe the reflective outlooks of the scholar-critic-analyst on the relevant phenomena. At certain points in the discussion, however, it will be useful to comment on the perspectives of naive social actors as arguers. Certainly ordinary persons understand in a general way some of the distinctions that undergird disciplined inquiry, e.g., between a "persuasive" argument and a "sound" argument. The emphasis, however, will be on the scholar's understanding. In the final section of the paper I will suggest how an understanding of the three perspectives sheds light on some recent problems in argumentation.

## I

Of the several senses in which scholars use the term "argument" and its relations, three are of immediate

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importance: argument as process, argument as procedure, and argument as product[7]. Although the three senses are indexed roughly in ordinary language (e.g., "presenting arguments," "engaged in argumentation," "judging an argument"), it is the scholar's application of the three senses that is of principal interest. When used by specialists, each sense of the term refers implicitly to a distinct perspective taken in the examination of arguers and their behaviors, and the perspectives are roughly aligned with the disciplines that have historically been concerned with argument. Thus, the three senses correlate respectively with the perspectives of rhetoric, dialectic and logic.

We speak of argument in the process sense whenever we apply the name argument or arguing to the phenomena of one or more social actors addressing symbolic appeals to others in an effort to win adherence.[8] When we say, for example, "Clarence Darrow argued for social justice," we think of the man as situated in the real world of social-political action, speaking to other persons so situated, for the purpose of influencing their attitudes, beliefs and actions. We conceive of his motive as persuasion, and our purpose in examining his behavior, its antecedents, and its consequences is to understand the process of persuasion. To be more precise, when we speak of studying "argument" from the rhetorical perspective,, we mean that we seek to understand certain elements embedded in the process of persuasion. Thus, the rhetorical perspective construes "arguing" as a persuasive process.

A second sense of the term is of argument as procedure, and it is in this sense that argument is allied with dialectic (and other ways of managing discourse such as debate and discussion).[9] In ordinary language, we often mark this sense by expressions such as "conducting an argument" or "engaged in argumentation." The dialectical perspective construes argument as a procedure or methodology for bringing the natural process of arguing under some sort of deliberate control. The participants are understood, not as mere social actors, but as self-conscious advocates, and their motives are conceived as a uniquely cooperative effort to reach joint decision or understanding. The element of cooperation is revealed most clearly in their overt agreement on rules of procedure. The entry into a rule-governed method of discussion is presumed to alter the nature of an argumentative interaction.

Argument in the third sense may be thought of as the product either of naive social actors arguing, or of conscious advocates engaged in argumentation, but it owes its existence to someone's construing particular utterances as "arguments." In this, the logical sense, an argument is a set of statements (premises and conclusion or evidence and claim) by which someone chooses to represent "meanings" abstracted from the ongoing processes of communication. Such argument-things are impartial and imperfect representations of human utterance, but they constitute significant efforts to objectify aspects of meaning which may be appropriately subjected to logical analysis and criticism. In everyday language we invoke the logical perspective when we speak of "laying out an argument" or "examining an argument."

It should not be surprising that there are different senses of the term "argument," or that they reflect quite different perspectives, for the word is used to refer to a range of phenomena associated with some of our most complex and significant human behavior. The contemplation of that behavior has given rise to the practical and theoretical interests which are historically associated with rhetoric, dialectic, and logic: the interest in adapting discourse effectively to particular auditors; the interest in devising and using methods of collective decision-making; and the interest in discovering and employing standards for rational judgment. Each discipline trains its lens on the same general range of human activity, but each highlights different phenomena. Thus, if one asks of each "What is argument?", the answers are likely to differ sharply: "An argument," says the logician, "is a set of statements consisting of premises and conclusion, or claim and support." "Argument," says the rhetorician, "is a mode of appeal, a means of persuasion, a behavior typical of symbol users communicating." "Argument, says the dialectician, "is a disciplined method of discourse for the critical testing of theses." To each of these statements, one is inclined to respond, "Well of course, that's right--as far as it goes." But just as the human body can be studied anatomically or physiologically or chemically, so the processes of argumentation can be studied rhetorically or dialectically or logically. In each case, the several studies complement and enrich one another. Because their boundaries are inevitably obscured, however, a word of caution may be in order here. The categorization of perspectives is necessary to recognize the starting points of inquiry, the strategic questions of each discipline, and the sort of results to expect from each. But we must be prepared for that neat pattern to blur at just those points where one perspective merges with another, where questions of physiology, say, are transformed into those of biochemistry, where problems of logic become those of dialectic. A full understanding of the processes of argumentation will consist of an eventual synthesis of results achieved in the three perspectives.

To this point, the broad sketch of three perspectives merely recapitulates what has been recognized, to some degree explicitly, in recent analyses of argument. Some advance may be made on those analyses, however, if we focus more precisely on several elements that are commonly invoked in attempts to conceptualize argument, specifically, the notions of purpose, situation, rules, standards, and agents. The following finer analysis of those elements will enable us to build up a fuller understanding of each perspective. Moreover, such analysis will help to reveal how each perspective is informed both by the practical interests of a person acting within it and by the theoretical interests of the critic-scholar examining such action.

## II

### Purpose

The three perspectives are distinguished fundamentally in terms of the conception of purpose that features in each one. As I observed before, the modes of action and inquiry embodied in the conceptions of rhetoric, dialectic, and logic originated in the practical purposes of language users. In each case, theory seems to have followed upon practice. For that reason perhaps, although theory in each discipline has a descriptive element, it is ultimately applied for the sake of a prescriptive or normative interest. In the case of each perspective, therefore, it will be useful to keep in mind that the theoretical purposes of scholars are conditioned by the practical purposes for which the disciplines evolved.

The art of rhetoric was created to meet the needs of persons who sought to persuade others, and despite all the variations of definition by rhetorical theorists, their core conception of the purpose of rhetorical behavior remains the same. Aristotle's "discovering the available means of persuasion,"[10] Campbell's "adapting discourse to its end,"[11] Bryant's "adjusting ideas to people and people to ideas,"[12] and Perelman's "winning adherence to theses,"[13] all come down to the same basic task: to marshall the resources of symbolic representation (typically linguistic) in order to express our understandings of how things are and how they ought to be in a manner that makes them attractive to other persons. Within the rhetorical perspective, therefore, arguments are construed as one mode of symbolic representation that has certain unique potentials for influencing people. When they observe persons making arguments, rhetorical theorists and critics are interested in the full communicative act (as opposed to an abstracted syllogism or whatever), in the expression in natural language (as opposed to some formal logical language), and in the relation of the communicative act to actual speakers and listeners (as opposed to some idealized rational being).[14] It is the interest in argument as persuasion that undergirds these aspects of the rhetorical perspective that distinguish it from the logical.

"Rhetoric," said Aristotle," exists to affect the giving of decisions."[15] And so, of course, does dialectic; but the two disciplines serve the decision-making process in complementary ways. As an art of adaptation, rhetoric gives the ability to make one's views attractive to others. As an art of management of discourse, dialectic provides the means to make our expressions candid as opportunities are provided for question and answer, definition and clarification, refutation and response. The ultimate purpose of dialectic as a method of argumentation is to promote critical scrutiny of alternative expressions of understandings of how things are and how they ought to be. Granting the use of dialectical skill for intellectual training and casual encounters, Aristotle considered dialectic useful chiefly in the philosophical sciences "because the ability to raise searching difficulties on both sides of a subject will make us detect more easily the truth and error about the several points that arise."[16] On a theoretical level, the dialectical perspective includes all studies of forms of discourse that seek to understand the conditions affecting critical decision-making.

The purpose of logic is also to render decisions, but on a microscopic level, for logic as a practical art applies rules and standards to specific, limited sets of statements offered as expressions of legitimate reasoning processes. In the logical perspective, therefore, arguments are construed as things or products that may be abstracted from the ongoing communicative interaction of rhetoric or dialectic. As a theoretical study, logic seeks to discover or develop canons of correct inference that enable us to settle on certain expressions as reliable knowledge.

Thus, the three perspectives are governed by distinct purposes. Students of argument adopt the rhetorical perspective in order to investigate the conditions of effective expression, the dialectical perspective to understand the conditions of candid and critical expression, and the logical perspective to seek the conditions of soundness in expressing our claims to knowledge.

## Situation

The notion of situation is differently construed in each of the three perspectives. To begin with, one way to distinguish the outlooks of the rhetorical and dialectical approaches is to say that the rhetorical situation is "real," while the dialectical is "contrived. Arguments come to our attention in situations that everyone will surely agree are rhetorical. Ordinary arguments consist of real utterance produced by real social actors in situations of exigencies, constraints and potentialities that are part of a social reality.[17] In the face of an actual exigency, utterance is aimed at producing action by listeners. The elements of the rhetorical situation are understood by the theorist or critic as real, concrete, particular, and immediate.

In contrast, the dialectical situation is characterized by an attitude of "let us suppose . . ." The natural world of social action is suspended (momentarily, at least) as persons enter into a special realm of dialogue. The rhetorical motive, to cope with an exigence through persuasive discourse, gives way to the dialectical motive, to criticize theses; and the real, concrete, particular and immediate substa-ce of rhetorical appeal, gives way to the dialectical consideration of matter that is hypothetical, abstract, universalizable, and mediate.

The profound importance of this distinction between the rhetorical and dialectical situations is brought out by Jurgen Habermas who bases his consensus theory of truth partly on the possibility of genuine dialectic. Ordinary "communicative action" (rhetorical behavior), he explains, is founded on a tacit background consensus including agreements on facts and norms. When the latter are called into question, they can be redeemed or rationally established only by entering into "discourse" (i.e., dialectic):

> In communicative actions, the factually raised claims to validity, which form the underlying consensus, are assumed naively. Discourse, on the other hand, serves the justification of problematic claims to validity of opinions and norms. Thus the system of action and experience refers us in a compelling manner to a form of communication in which the participants do not exchange information, do not direct or carry out action, nor do they have or communicate experiences; instead they search for arguments or offer justifications. Discourse therefore requires the virtualization of constraints on action. This is intended to render inoperative all motives except solely that of a cooperative readiness to arrive at an understanding, and further requires that questions of validity be separated from those of genesis. Discourse thereby renders possible the virtualization of claims to validity; this consists

> in our announcing with respect to the objects of communicative action (things and events, persons and utterances) a reservation concerning their existence and conceiving of facts as well as of norms from the viewpoint of possible existence. To speak as Husserl does, in discourse we bracket the general thesis. Thus facts are transformed into states of affairs which may or may not be the case, and norms are transformed into recommendations and warnings which may be correct or appropriate but also incorrect or inappropriate.
>
> Solely the structure of this peculiarly unreal form of communication guarantees the possibility of attaining a consensus discursively, which can gain recognition as rational.[18]

For purposes of dialectical theorizing, therefore, the situation is construed as an arena for discourse that is created for the purpose of facilitating a critical process. Both the rhetorical theorist and the dialectical theorist would be interested in the situations in which argumentative interactions (arguments$_2$) occur, but the foci of their attention would differ markedly.

The logical perspective brings into operation a third, and quite different, conception of situation or context. For purposes of logical analysis and criticism, Burleson writes, "Toulmin's notion of field-dependence is a particularly useful and insightful way of conceptualizing context. Properly understood, the Toulmin diagram leads critics and theorists to consider what may be termed the substantive context of an argument."[19] The logician focuses on a set of statements abstracted from communicative context, objectified and depersonalized, and contemplated as a construction of potential epistemic importance. To evaluate that construction, however, requires that it be re-situated in a "logical context" determined by the field of inquiry for which it claims significance. Burleson describes such a context as

> a locus of ideas and relationships among ideas shared among members of a community. A consideration of this context dictates concern with issues such as: What constitute believable and relevant data and backings? What kinds of claims legitimately can be put forth? What factors determine the extent to which claims must be qualified? What types of warrants are permissible? Obviously, this list could be extended to encompass a variety of similar issues.[20]

Of course, fields of argument may be extremely diffuse and unstructured or they may be compact and highly institutionalized disciplines. No matter how they may vary in

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formality or precision, however, all fields of serious discussion are distinguished by practical purposes that give meaning to their standards and rules of inference.[21] That point is illustrated by the use of three perspectives on the study of argument, and the next section will touch on the standards appealed to in theorizing and criticizing in matters rhetorical, dialectical, and logical.

## Rules and Standards

These elements serve to discriminate among the three perspectives in a straightforward way, from the standpoints of both practitioner and theorist. If the rhetor is a social actor in a real situation, he must be bound fundamentally by certain tacit social rules. This will be the case whether he is an unlettered rustic speaking up in the local tavern or a skilled parliamentarian in Congress. Such rules form a part of the background consensus that makes ordinary communication possible. Should they be called into question, e.g., by a bill to change parliamentary rules, or even by a claim to be justified in using objectionable language, equilibrium could be restored only by a suspension of ongoing communicative action and a resort to dialectic. The tacit, and usually unproblematic, understanding of such rules is a constitutive condition of rhetorical action. It is, of course, an important part of the "shared frame of reference" that Brockriede stresses as a basis for argument.[22]

Turning to dialectic, it appears that the conscious articulation of rules is a defining characteristic of that perspective on argument. The decision to suspend the constraints of action, to enter the realm of discourse, to subject theses to searching examination, leads inexorably to the realization of a need for rules of procedure. Not just any sort of discussion will serve the interests of dialectic, but only that method or procedure that gives maximum opportunity for criticism of propositions advanced. If the touchstone criterion for the rules of rhetoric is "effectiveness," that of dialectic may be described as "candidness." Each step in a chain of reasoning is to be displayed plainly; nothing is to be assumed; certainly nothing is to be concealed. Thus, Socrates extracts from Gorgias a promise to make short answers, offers reciprocal questioning, and so on.[23] As Perelman and others have observed of the classical form of dialectic, the rules limiting dialogue to brief exchanges, or question and answer, insure that each premise will be examined before it is permitted to form part of a chain of reasoning. No rush of eloquence will be permitted to carry a weak point with an unreflective audience: "the reasoning here [in Platonic dialectic] advances step by step; each step has to be tested and must be confirmed by the approval of the interlocutor."[24] Thus, the dialectical view envisions argumentation as a procedure governed by rules that are overtly articulated and agreed upon rather than tacit and unexamined.

The rules characteristic of the logical perspective are perhaps too obvious to require extensive discussion, and it is equally obvious that they differ from those of the rhetorical and dialectical perspectives. The logical critic is determined to assess the worth of an argument abstracted from rhetorical process or dialectical procedure, and the logical theorist is concerned to formulate the rules and standards which permit such judgments. The key term here, parallel to the rhetorician's "effectiveness" and the dialectician's "candidness," is the logician's notion of "soundness."

## Speakers and Audiences

The speaker features as an important element only in distinguishing rhetoric and dialectic, and something has already been said of how the speaker is construed in each of these perspectives. We may speak of a "rhetor" as a "naive social actor" because one need have no particular awareness of role to act as, or to be construed as, an agent of persuasion. We are all rhetors. Our human nature is so bound up with language and sociality that we cannot avoid rhetorical action. Not so with dialectic, however. In the face of opposition, we may invoke numerous strategies of avoidance. Thus, dialectic requires, first, a recognition of another who stands somehow opposed to us. The decision to talk about the conflict, to "air our differences," rather than breaking off the interaction, carries with it an implicit recognition of roles as advocates, and the development of a genuine dialectic entails a growing self-consciousness by the participants. For this reason, we may speak of the parties in dialectic as self-conscious advocates.

It is in their roles as receivers of messages that persons are more significantly distinguished in the three perspectives. The relevant roles construed by theorist or critic are those of the rhetorical audience, the dialectical interlocutor, and the logical critic, for these are the three who in various ways pass judgment on arguments. A useful set of distinctions derives from Perelman's characterization of audiences as particular or universal.[25] The rhetorical audience is understood as a particular assemblage of persons either in actuality or in the speaker's construal of persons he addresses. The act of rhetoric is an adaptation of ideas to particular persons in a particular situation.

The logical perspective, in contrast, has traditionally construed the receiver/examiner/critic as an impersonal embodiment of universal rules. Such at least is the idealized conception of the critic that follows from a purely formal logic. An uncharacteristic slip into that formalism seems to be the cause of Perelman and Olbrechts-Tyteca's remarks that "Argumentation addressed to a universal audience must convince the reader that the reasons adduced are of a compelling character, that they are self-evident, and possess an absolute and timeless validity . . ." and ". . .maximally efficacious rhetoric, in the case of a universal audience, is rhetoric employing nothing but logical proof."[26] The conception of the logical critic that emerges from such a formalistic notion of logic is not so much that of a human exercising judgment as of a "logic machine" applying some invariant rules of validity. Moreover, one wonders what sort of propositions and arguments (excluding mathematical statements) could possibly be "self-evident" and "possess an absolute and timeless validity." So, Perelman and Olbrechts-Tyteca seem to lapse into that uncharacteristic formalism because at that point they focus on the nature of the appeals as the ultimate grounding of validity and soundness.

An alternative reading of Perelman and Olbrechts-Tyteca would emphasize the persons who make up the universal audience as the basis for logical judgment. On this view an argument is sound only if it could win the approbation of the universal audience which is defined as consisting of all qualified judges.[27] On this view, furthermore, logical soundness is no longer construed merely in terms of formal structure and self-evidence, but rather is based as well on any substantive criteria that qualified observers invoke. Now, this is a much broader conception of logical criticism than that which is implied in traditional, formal logic. More importantly, perhaps, it is a conception of logical criticism that is considerably more difficult to envision in practice. After all, anyone of ordinary intelligence who can learn the rules of a formal system can apply them, and criticism becomes a relatively simple task. In contrast, it is much harder to conceive of a universal audience bringing to bear all the substantive knowledge relevant to a full critique--knowledge of the history of the subject, familiarity with all relevant evidence, awareness of special cases, and so forth. How, then, could this sort of logical criticism be realized? The historic answer has been: through dialectic.

The interlocutor in dialectic may be understood as an amalgam of the rhetorical auditor and the logical critic. The discussants are in fact particular persons, but the critical procedure enjoins them to represent the idealized

## TABLE I
## THREE PERSPECTIVES SUMMARIZED

| | Rhetorical Perspective focuses on "arguing" as process | Dialectical Perspective focuses on "argumentation" as procedure | Logical Perspective focuses on "argument" as product |
|---|---|---|---|
| Practical purpose: | Persuasion | Criticism | Judgment |
| Theoretical purpose: | To understand conditions for effective arguing | To explain conditions for candid and critical argumentation | To establish standards for sound argument |
| Situation: | Natural rhetorical situations | Contrived arenas of discourse | Fields of argument |
| Rules: | Tacit social rules | Explicit procedural rules | Explicit inferential rules |
| Standards: | Effectiveness | Candidness | Soundness |
| Speaker: | Naive social actor | Conscious advocate | Impersonal explicator |
| Listeners: | Particular audience | Particular striving for universality | Universal audience |

universal audience. The dialectical interlocutor may thus be construed as a particular person "straining" for universality. Her/his particularity is undeniable and, indeed, influences every actual discourse. But the role of interlocutor, qua interlocutor, is just to endeavor to represent the universal audience of all qualified respondents. That role is intuitively understood by anyone who seriously takes on the role of devil's advocate and tries to raise every legitimate objection to a line of argument.

Still, the problem of realizing full critique within a dialectical frame remains, for no one or any group can actually embody the capabilities of a universal audience. Because that problem is a fundamental one for any disciplined inquiry, solutions have in fact been devised which represent the application of the dialectical perspective. In democratic societies, the "free marketplace of ideas" is one such solution. In science, as Toulmin has explained, the maintenance of appropriate arenas for the testing of scientific concepts represents an application of the dialectical perspective.[28] None of these arenas presupposes a static universal audience, but rather each relies for full critique on the likelihood that every qualified person will have a fair chance to advance theses and to criticize them. Moreover, the certainty of critical response in such arenas generates a motive in every participant to endeavor to meet the standards of the idealized universal audience. Thus it is that the dialectical perspective informs all disciplined inquiry, and entails the view of participants or interlocutors fulfilling a critical role.

## Summary

Table I provides a summary of the elements examined in this sketch of the three perspectives. In closing this section, it would be appropriate to take note of the instrumental relations among the practical arts from which the three perspectives developed. In any problematic situation where people must make choices, rhetorical skill enables speakers to present their views of the world in a manner that engages the attention of others. But rhetorical power, by itself, guarantees only the supremacy of the most eloquent or most clever. Dialectical procedures do not deny the functions of eloquence; but they do insure that alternative rhetorical visions can be created and considered. Dialectic requires, further, a periodic halt in communication so that premises and inferential leaps can be examined. Here, logic enters in to apply canons of correct inference to specific structures of argument that discussants "lay out" for public examination. Thus, the creative power of rhetoric is harnessed to the judicial power of logic through the critical procedures of dialectic. On this view, all three perspectives are embraced in a conception of argumentation as the rationale of critical decision making.

## III

With that description of the three perspectives before us, it is now appropriate to say something about how that formulation might contribute to scholarship in argumentation. I will make four claims for the utility of the system and discuss them briefly.

First, the taxonomy provided by the three perspectives may, in itself, help to clarify the significance of previous work in argumentation as well as the potentialities of future lines of research. The significance of much previous research becomes clearer when framed within the purview of the three perspectives. Studies on evidence, for example, have sometimes been plainly focused on the effects of certain kinds of supporting material, thus contributing to our rhetorical understanding; other times they have dealt plainly with the probative value of evidence when tested by well articulated logical standards. But there have also been studies of evidence that confounded the rhetorical and logical perspectives, and hence, yielded questionable results. The use of Toulmin's model provides another example of the perspectival problem. Many students on first learning the model construe it as a rhetorical prescription; they can easily be disabused of that notion if someone explains to them how The Uses of Argument constitutes a refinement of the logical perspective. Finally, with respect to future research, an adherence to the three perspectives as an organizing principle enjoins scholars to specify clearly the location of their projects within the broad framework and the relation of their hypotheses and results to the general purposes of the perspective involved.

Secondly, a recognition of the three perspectives can be especially beneficial in clarifying the different sorts of critical or evaluative studies of argument. Just as the term "argument" may be construed differently, so the question: "What is a good argument?" may elicit at least three responses. (More than three, actually--but I am deliberately avoiding the matter of ethical judgment for the moment.) From the standpoint of rhetoric, a good argument is an effective one; from the standpoint of logic, it is a sound one; and from the standpoint of dialectic, it is a candid and critical interchange. The failure to distinguish those critical perspectives, grounded in different disciplines, has given rise to a number of issues in the literature that I would characterize as "pseudo-problems." One of these was the debate over the relevance of logic to rhetoric that involved most notably Mortensen and Anderson on one side, and Mills and Petrie on the other.[29] In convention papers

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and articles, the adversaries took positions that they, and most of us presumably, believed to be inconsistent or incompatible. Mortensen and Anderson challenged the prevailing view by arguing that logic had little to contribute to the study of marketplace argument. Their position was grounded on assumptions and observations along these lines: that argument is to be understood as a means of persuasion; that such understanding requires a full comprehension of the social, material, and linguistic contexts of utterances; that the forms and methods of both context-invariant and context-variant logics precluded such a full comprehension; that logical analysis necessarily gave a distorted account of argument as communicative phenomena. Their position was, thus, located within and conditioned by a distinctly rhetorical perspective. What they had established was that logical methods do not yield rhetorical understanding.

Mills and Petrie replied with a defense of logic that recognized its necessary interpretation and abstraction from the fullness of marketplace discourse. "Thus by admitting the problems of translation," they concluded, "one can retain the traditional account of logic" and also "become sensitive to many facets of argumentation and to the total context of an argument."[30] The two positions in the dispute were not really incompatible (in their main features at least), and a just appreciation of their different emphases and values can be gained by placing them within the three perspectives sketched here.

Essentially the same dispute was reopened by Willard's attack on the Toulmin model. His two initial objections were (1) that there is confusion about what diagrams are supposed to represent, and (2) that persuasive arguments are too complex to be adequately depicted diagrammatically.[31] By "persuasive arguments" Willard referred to events in the "phenomenal world of the social actor." He continued to explain,

> When person A sends a message to person B, a myriad of complex variables must be brought into play to adequately describe 'what happened.' The source's perceptions of the situation, of symbol meanings, of other persons (and their motives), and of his available options for action all contribute to his choices of certain propositions over others. Paralinguistic, kinesic, and proxemic/managerial cues will have important effects upon the receiver's ultimate understanding of the propositions.

Now, if such phenomena can be adequately analyzed at all, it must be done from the perspective of rhetoric (or perhaps of interpersonal communication broadly construed), and the question of argument diagrams is simply beside the point. Thus, Willard's second objection seems to be directed against a straw-man.

Turning to his first point, however, one finds a more viable issue: can argument diagrams be used without conceptual confusion? Once again, the simple recognition of perspectives on argumentation provides the basis for a satisfactory answer, for the argument model is a straightforward application of the logical perspective. Burleson has argued this issue quite clearly, explaining how the Toulmin model can be employed, with sensitivity to the communication context in which claims are made and supported, for the sake of re-situating them in the logical context where they may be properly evaluated.[33] Thus, Willard's call for argumentation theorists and critics to "eschew the use of diagrams" is hardly warranted in light of an appreciation of what different perspectives can offer.

A second "pseudo-problem", based on a confounding of perspectives appears in the recent quest for that magical stuff that transmutes base sophistry into precious wisdom, i.e. "rhetorical validity." Farrell and McKerrow, in separate essays, each set out to win that goal.[34] Their journeys had several points in common. In the first place, each found his path strewn with the boulders of earlier philosophical traditions which necessitated awkward circumlocutions. Farrell, for example, overcame the hurdle of logical necessity this way:

> To speak of necessity in a rhetorical context may seem rather unusual. Nonetheless, the first constituent of rhetorical validity would reinterpret "formal necessity" as the necessary participation of an audience in the elaboration of rhetorical "form."[35] (Emphasis in the original)

At later points in the essay, "valid" is equated with "relevant" and with "true."[36]

McKerrow opened his essay with a straightforward confounding of logical and rhetorical purposes:

> Argumentative discourse is reason-giving activity. Except in rare instances, the reasons advanced do not provide absolute proof of the truth or rightness implied by the claim. In order that an advocate can accurately assess the efficacy of his discourse, a logic compatible with the requisites of such non-analytic activity is required.

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> In more general terms, contemporary rhetorical theory requires a working logic compatible with the exigencies, constraints, and uncertainties governing situations defined as rhetorical.[37]

This represents, I submit, a confounding of logic and rhetoric. It is not the business of logic to "assess the efficacy of discourse." McKerrow recognizes the danger of confounding perspectives, but still insists that a conception of rhetorical validity is necessary "for the determination of the bases of justifiable belief."[38] Granted, when we apply the logical perspective, we should employ models that respect the nature of substantive arguments, but we should not mix up the purposes of rhetorical and logical inquiry.

It must be said in Farrell's and McKerrow's defense, however, that each exhibits a certain embarrassment over the use of the term "rhetorical validity." Farrell takes explicit notice of the awkwardness of such usage.[39] Certainly, my purpose in these paragraphs is not to disparage the genuine insights contained in the two essays, but only to maintain that they would have been clearer and better focused if the authors had taken cognizance of discrete perspectives on argument. Such pseudo-problems as a conflict between the purposes of logic and rhetoric, on one hand, or a confounding of those purposes, on the other, should not be allowed to distract us from more significant inquiries.

A third claim I would advance for the three perspectives as an organizing principle is that they demand a more complete and candid treatment of the total field of argumentation by textbook writers and teachers. We have seen textbook treatments of the subject swing, pendulum fashion, from the constraints of an excessive concern for logical form to a stress on audience adaptation (frequently with a concommitant loss of rigor). Doubtless, textbook writers and teachers are struggling to do justice to both logical and rhetorical aspects of argumentation, and future works are likely to improve the merger. One hopes that the dialectical perspective will begin to receive more explicit attention, and that the relations among the three will be clarified further.

The last remark introduces my final claim: that the dialectical perspective should now be recognized, analyzed, and investigated on an equal footing with the rhetorical and logical. It is my impression that works addressed to the concerns of the dialectical perspective have not been so well integrated into the scholarship and teaching of argumentation as have the other two.[40] Although I am not prepared to develop the argument here, I suspect that the dialectical perspective may deserve the central place in a conceptualization of argument, for it is only within the framework of a dialectical encounter that the resources of rhetorical appeal and logical rigor are combined for the critical testing of theses.

To return to an opening remark, these three perspectives have been around for a long time. This essay is intended to bring them into sharper focus. Doing so may help us to see better what we are about in the rich variety of studies in argumentation.

# FOOTNOTES

[1] Wayne Brockriede, "Where is Argument?" Journal of the American Forensic Association, 11 (Spring 1975), 179-182; Daniel J. O'Keefe, "Two Concepts of Argument," JAFA, 13 (Winter 1977), 121-128; Wayne Brockriede, "Characteristics of Arguments and Arguing," JAFA, 13 (Winter 1977), 129-132.

[2] Brockriede, "Where is Argument?" p. 179.

[3] O'Keefe, p. 121.

[4] Brockriede, "Characteristics of Arguments and Arguing," p. 130.

[5] Walter R. Fisher and Edward M. Sayles, "The Nature and Functions of Argument," in Perspectives on Argumentation, eds. Gerald R. Miller and Thomas R. Nilsen (Chicago: Scott, Foresman, 1966), pp. 2-22.

[6] Maurice Natanson, "The Claims of Immediacy," in Philosophy, Rhetoric, and Argumentation, eds. Maurice Natanson and Henry W. Johnstone, Jr. (University Park: Pennsylvania State University Press, 1965), p. 10.

[7] Douglas Ehninger and Wayne Brockriede, Decision by Debate, 2nd ed. (New York: Harper and Row, 1978), pp. 224-225.

[8] To the extent that O'Keefe's argument$_1$ and argument$_2$ refer to acts and interactions, they both refer to argument as process. The rhetorical critic would examine both as instances of persuasive communication.

[9] Douglas Ehninger, "Argument as Method," Speech Monographs, 37 (June 1970), 101-110; Ehninger and Brockriede, Decision by Debate, pp. 11-19.

[10] Aristotle, Rhetoric, 1355$^b$26.

[11] George Campbell, The Philosophy of Rhetoric, ed. Lloyd F. Bitzer (Carbondale: Southern Illinois University Press, 1963), p. 1.

[12] Donald C. Bryant, "Rhetoric: Its Functions and Its Scope," Quarterly Journal of Speech, 39 (December 1953), 413.

[13] Ch. Perelman and L. Olbrechts-Tyteca, The New Rhetoric, translated by John Wilkinson and Purcell Weaver (Notre Dame: University of Notre Dame Press, 1969), p. 4.

[14] Fisher and Sayles discuss these points.

[15] Aristotle, Rhetoric, 1377$^{b}$21.

[16] Aristotle, Topics, 101$^{a}$35.

[17] Lloyd F. Bitzer, "The Rhetorical Situation," Philosophy and Rhetoric, 1 (January 1968), 1-14.

[18] Jürgen Habermas, Theory and Practice, translated by John Viertel (Boston: Beacon Press, 1973), pp. 18-19. I have discussed Habermas' position more fully in an article submitted to JAFA: "Jürgen Habermas and the Dialectical Perspective on Argumentation." See also Brant R. Burleson and Susan L. Kline, "On the Normative Foundations of Communication: A Critical Exposition of Habermas' Theory," Quarterly Journal of Speech, in press.

[19] Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," JAFA, 15 (Winter 1979), 146.

[20] Ibid.

[21] Stephen Toulmin, Richard Rieke, and Allan Janik, An Introduction to Reasoning (New York: Macmillan, 1979), pp. 195-202.

[22] Brockriede, "Where is Argument?" p. 182.

[23] Plato, Gorgias, 449.

[24] Chaim Perelman, "The Dialectical Method and the Part Played by the Interlocutor in Dialogue," in The Idea of Justice and the Problem of Argument, translated by John Petrie (London: Routledge and Kegan Paul, 1963), p. 161.

[25] Perelman and Olbrechts-Tyteca, The New Rhetoric, pp. 17-45.

[26] Ibid., p. 32.

[27] Ibid.

[28] Stephen Toulmin, Human Understanding, Vol. I (Princeton: Princeton University Press, 1972).

[29] Ray Lynn Anderson and C. David Mortensen, "Logic and Marketplace Argumentation," *Quarterly Journal of Speech*, 53 (April 1967), 143-151; Glen E. Mills and Hugh G. Petrie, "The Role of Logic in Rhetoric," *QJS*, 54 (October 1968), 260-267; Hugh G. Petrie, "Does Logic Have Any Relevance to Argumentation?" *JAFA*, 6 (Spring 1969), 55-60; C. David Mortensen and Ray Lynn Anderson, "The Limits of Logic," *JAFA*, 7 (April 1970), 71-78.

[30] Mills and Petrie, p. 267.

[31] Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," *Communication Monographs*, 43 (November 1976), 309.

[32] Willard, p. 313

[33] Burleson, "On the Analysis and Criticism of Arguments."

[34] Thomas B. Farrell, "Validity and Rationality: The Rhetorical Constituents of Argumentative Form," *JAFA*, 13 (Winter 1977), 142-149; Ray E. McKerrow, "Rhetorical Validity: An Analysis of Three Perspectives on the Justification of Rhetorical Argument," *JAFA*, 13 (Winter 1977), 133-141.

[35] Farrell, p. 144.

[36] Farrell, pp. 146-147.

[37] McKerrow, p. 133.

[38] McKerrow, p. 135.

[39] Farrell, p. 148.

[40] The one notable exception seems to be Ehninger and Brockriede, *Decision by Debate*.

# WÜRZBURG REVISITED: SOME REASONS WHY THE INDUCTION-DEDUCTION SQUABBLE IS IRRELEVANT TO ARGUMENTATION

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It is of more than passing interest that Toulmin, Rieke, and Janik recently published their *Introduction to Reasoning* as a practical argumentation text without a single reference to deduction or induction.[1] This is an unsurprising break from tradition.[2] Toulmin has often attacked formal logic for its inapplicability to ordinary discourse.[3] Formal deductive logic--a science of pure form, of entailments--is irrelevant to ordinary talk. Inductive logic--sometimes understood to be everything not demonstrable--has been recast by Toulmin in "field" terms. Logicians are interested in this approach because it is one variant in answering Hume's "problem of induction." They have sometimes accused Toulmin of surrendering to content, of retreating from the problem. Argumentation theorists have latched onto the field idea because it seems to be a sensible way of looking at ordinary argument.

Toulmin has replaced the a priori logics with a field dependent logic which retains certain features of serial predication. Despite his attacks, Toulmin remains committed to understanding justified true beliefs. He sees the field notion, rooted in the practices of compact scientific disciplines, as the best means, short of surrendering to psychologism, of understanding discourse and the knowledge it produces. One gleans from the *Introduction* the sense (but no explicit claims) that philosophic squabbles between Aristotelians and Baconians, or Humeans and Popperians, are either irrelevant to practical argumentation or can at least be bracketed for the moment. Argumentation is a full fledged theoretical domain, standing on all fours as it were, needing no help from formal logic.

In this essay I shall attempt to make this break with tradition somewhat more explicit by pursuing the theme that the "problem of induction" and most of the philosophic work undergirding it is irrelevant to ordinary argument studies. My focus is upon the interactional view of argument,[4] but my arguments here are amplifications and further specifications of the implications of the interactional view for a product sense of argument.[5] The claims I shall defend are these: (i) solutions to the problem of induction are irrelevant to argumentation; although the inductivists have doubtless produced lucid, rigorous, and powerful thinking, I should like to play the hunch that induction, or at least what passes muster for induction in philosophic circles, can be happily dispensed with; it is irrelevant to ordinary discourse or to experience construed as social knowledge; (ii) the personal construct theory (PCT) view of reasoning is self-sustaining, needing no help from formal logic and not requiring the notions of deduction, induction, or the distinctions between them; experience needs not be tied to serial predication; and (iii) the view of argument as a social comparison process is a superior explanation of social knowledge to induction understood as serial predication. These claims collapse, perhaps, into the single idea that the concerns of logicians are not our own.

I am stalking of course a psychologic which makes no arbitrary assumptions about the forms or directions of inference. This goal is held in low esteem by philosophers pursuing an epistemology untainted with psychology or the facts of daily life. I take Hamlyn to be typical in his argument that "the mixture of philosophical and empirical issues involves in each case a muddle, . . . the philosophical and psychological questions which are at stake are different from each other, and . . . there are no grounds for the belief that philosophical questions can be answered by appeal to empirical evidence or vice versa."[6] Stated bluntly: "philosophical questions about the nature of a certain form of understanding and about its conditions and criteria are utterly divorced and distinct from psychological questions about the conditions in which such understanding develops in individuals."[7] For Hamlyn, this is an assumption rather than a claim needing proof. The interactional view of argument exposes the arbitrariness of such approaches. Hamlyn's is an "oil-water" sort of argument which, if my arguments below are correct, only constitutes a reason for siding with the social knowledge theorists over the logicians. Traditional logic, especially with respect to induction, leads to an epistemology which is more or less useless to students of discourse.

It may suffice to say here that the interactional view can undergird a relativistic epistemology and morality that does not necessarily surrender to what Toulmin calls "defeatism." Working from observations of individual perspectives, one can derive cogent accounts of the characteristics of daily argument and the stabilities it displays. I espouse, it might be said, a pale sort of skepticism. I shall assume here the reader's familiarity with my earlier expositions of the "constructivist/interactionist" view of argument, but for referential ease offer the following propositions as the chief tenets of that view:

1. Argument is a process of interaction in which two or more actors maintain what they construe to be incompatible positions.

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2. The interaction notion is prior to the product notion. Co-orientations give meaning to argument products.
3. Arguments (interactions) are co-orientations based on perceptions of dissensus.
4. Arguments (interactions) are social comparison processes, thereby serving epistemic functions regardless of the arguers' motives (dialectical, persuasive, or dialogical).
5. Arguments (products) are not uniquely or even primarily linguistic. Non-discursive elements are often prior to and give meaning to words and propositions.

    a. Discursive and non-discursive elements intermingle in construct systems.
    b. Regnant constructs can be strongly affective--a person can be inarticulate about them.
    c. The effects of regnant constructs are intuitively sensed, but may not be reflected upon by a person. What intuitionists mistook for the "moral sense" was the effects of regnant constructs giving meaning to the constructs they subsume.
    d. Determinism in PCT consists of a construct's being determined by the constructs which subsume it; unexamined constructs curtail a person's freedom.
    e. "Reasons" need not be linguistic. Reasons are more often than not inarticulate, non-discursive. This is not necessarily bad since "rationality" has only arbitrarily been equated with propositional thought and utterance.

6. The man-as-scientist metaphor sees humans as forward looking beings. A person builds constructs and tries them on for size. Behavior is proportionately experimental.
7. People construe things so as to enhance their predictability.
8. Argument fields are best understood as psychological orientations.[8]
9. No useful distinctions between reason and emotion can be drawn; rationality is a holistic process partaking of both, in ways which cannot be conceptually distinguished, at least with present conceptual instruments.[9]

These propositions may be sufficiently lucid to serve as backdrop for the exposition which follows.

I

I shall not soon forget my delight, as a student of logic, in learning that formally valid serials could entail false conclusions. I greeted the standard examples with lusty enthusiasm and, perhaps, a certain perversity. A favorite, Delton Thomas Howard's I believe, was "All fixed stars are planets; Arcturas is a Fixed star; Arcturas is a Planet"--a serial in which all three premises are substantively false. Because I was less interested in a science of pure form than in ordinary argument, it was with some disquiet that I subsequently learned that there exists a vast philosophic tradition devoted to making induction as much like deduction as possible. These people bore watching. It seemed intuitively doubtful that the form of ordinary arguments could be more important than the substantive truth or falsity of their premises. A true but fallaciously derived conclusion seemed preferable one that was false but validly derived. Content had to matter. My thinking, of course, was greatly influenced by psychologists such as Johnson-Laird and Wason.[10]

One finds the idea of induction used variously in different domains. Some psychologists define their work in perception or concept acquisition as induction. Piaget, for example, has often employed formal logic's principles and has seen his work as contributing to a general understanding of induction.[11] Thus, as a psychological term, induction is often equated with "experience" or "learning" in ways analogous to Aristotle's original formulation of the idea. Logicians, on the other hand, see induction in uniquely serial predicative terms--"units of proof" or "arguments." Though the psychological and logical approaches to induction are not necessarily incompatible, logicians have had little truck with psychology. Where the psychologists have often borrowed logical ideas, the logicians have sought a purely non-psychological system of judgmental and explanative canons for inductive logic. Finally, scientists and philosophers of science have often equated induction with scientific method. Some logicians, doubtless under Hume's spell, have concurred in this approach. Neither the logicians nor the scientists are especially interested in ordinary discourse or its contributions to social knowledge. They do not deny that people gain experience through processes akin to induction, they are merely uninterested in them. For the most part, their foci have been narrow and specialized--special cases of the search for justified true beliefs. Experiential processes of ordinary learning do not often fall within the range of convenience of these systems.

Argumentation theorists have usually followed the logicians vis-a-vis induction, although they have not contributed substantively to the ongoing dialogue about the problem of induction. They have preferred to function as an applied logic, focusing upon discrete units of proof or inference. My claim here is that they have been following the wrong banner: (i) since the logical goal is a priori canons, argumentation can never substantively contribute to that body of theory--its relation to logic will always be one-sided; and (ii) the psychological approach is superior to the logical for argumentation's purposes--there are no especially convincing reasons why induction needs to be equated with serial predication.

## The "Problem of Induction"

Hume's formulation of the problem of induction stimulated a vigorous tradition which has sustained spirited disputes for many years. A vast body of literature has accumulated,[12] mostly devoted to attempts at making induction deductively respectable,[13] teasing general canons out of specific arguments or practices,[14] or defending induction's autonomy from deduction.[15] There are great complexities in this literature, but it is not altogether too facile to say that the "problem of induction" is that it is not deductive. It is not uncommon nowadays to see inductive arguments defined as those not meeting deductive standards, those falling short of entailment.[16] There are many versions of the reasons for this informity:

(i) *Inductive arguments have psychological premises.* One can never know whether premises have been suppressed. If they are suppressed, as in enthymemes, their nature can only be guessed. Brodbeck has thus said that the problem springs from the relation between observed and unobserved premises.[17] This is congenial to psychologists: Johnson-Laird and Wason have stressed the need for a strict distinction between *conscious* inferences and everyday thinking. This is, they say, probably a reflection of a more general contrast, "between *explicit* and *implicit* inferences. The inferences that underlie problem solving are often slow, voluntary, and at the forefront of awareness; they are explicit. The inferences that underlie the ordinary processes of perception and comprehension are rapid, involuntary, and outside conscious awareness; they are implicit."[13] This reasoning dovetails nicely with PCT, as the next section of this essay shall show.

(ii) *Inductive conclusions are probable.* There are many disputes among logicians about this issue, especially with reference to the status and uses of probability theory. We most often encounter the work of the "empiricists" or "frequentists" such as Russell[19] or Wisdom[20] who have sought to justify induction by virtue of postulates which hold true with secure frequency. The foundational work in this tradition is that of Reichenbach[21] who saw probability as the root justification for induction. There is nothing psychological about these formulations--probability theory being an exacting, self-contained, and for all practical purposes a priori science. Lord Russell articulated the core idea of this tradition and its main divergence from the deductivists by stating that there are no practical differences between a certainty and something 99 percent probable. This proposition exemplifies some of the differences between logicians and argumentation theorists since logicians have enjoyed disputing the claim while argumentation theorists surely agree with it. If probability is conceptualized as a psychological matter, it becomes very different stuff--having little to do with probability theory.[22]

(iii) Inductive serials always involve presuppositions. Aristotle long ago set deduction off from other sorts of reasoning because its serials needed no "term from without." Theorists such as Burks have seen presuppositions as the key characteristic of induction.[23] By doing some violence to his intentions, Burks' thinking can be made to fit neatly into an ethnomethodologist's search for background awarenesses or assumptive frameworks.[24] As a logical matter, however, presuppositions pose great difficulties: they are characteristically unsubstantiated and are usually much broader than specific inductions they are used to justify. Theorists such as Goodman have thus seen the search for presuppositions as needlessly "expensive."[25] This, again, exemplifies the subject matters of argumentation and logic. As I have elsewhere argued, psychologists of argument must start with an actor's presuppositions, be they dubious or sound.[26]

(iv) Inductive serials cannot be entailments. Hume believed the problem to be insoluable. Many contemporary theorists, Reichenbach and Feigl[27] are exemplars, have focused not on a general justification of induction but on justifying particular practices. Attempts at general justification have failed; induction always has and always will fare poorly judged by deductive standards. Thus the focus upon narrower justifications is a more limited aim, but nonetheless an attempt to coax entailments from the inductive subject matter. This is a reasonable program for logicians, but irrelevant to argumentation since ordinary discourse can display entailments only serindipitiously. Stated bluntly, even limited justifications will not substantively affect the study of ordinary argument.

(v) Induction is field dependent. Since Hume, science has often been thought to exemplify induction; and at least two lines of thought are distinguishable by virtue of their concepts of science. Black[28] exemplifies the theorists seeking to "vindicate" induction by searching for generic canons characterizing all sciences. Just as Carnap sought the unity of the sciences in the language of physics, Black seeks unifying canons of practice justifying scientific inferences.[29] His work has not been greeted warmly by logicians because he seeks inductive justifications for induction. A more influential approach to science has been the "field" theories, especially those of Toulmin,[30] Strawson,[31] and Harre.[32] They have bracketed or even obviated the problem of justification and turned instead to the idea that arguments take their form and substance from the fields in which they occur. They have sensibly argued that traditional approaches to induction have too much ignored the actual practices of scientists and that inductive norms vary across fields.

This list is not exhaustive but may serve to hint at the range of projects being pursued and at the differences between the interests of professional logicians and argumentation theorists. In each case, the most extreme divergencies from strict logic are most congenial to argumentation. The field notion merits special attention in this respect because it has exerted great influence on argumentation theories. A closer look at the "field's" status as a logical program may serve to further illustrate the differences between the interests of logic and argumentation.

## The Status of the Field Theories

The field theories, especially Toulmin's have been severely criticized by logicians.[33] The force of these criticisms has, unsurprisingly, been field dependent: whether these attacks draw blood very much depends upon one's point of view. The very idea of an argument field falls quite short of apodeictic goals; but the field notion calls these goals per se into question, at least vis-a-vis ordinary discourse.

The charge that Toulmin's work is a "counsel of dispair" may be sensible to those pursuing the vindication of induction in general. Viewed alternatively it misses the point. Toulmin has himself attacked the counsel of dispair he believes to inhere in relativism. I have surveyed and criticized his exposition elsewhere[34] but it needs saying here that (i) Toulmin's attacks on traditional logic have echoed Hume's insistence that the justification problem is insoluble; (ii) his acute observations of the discourse in compact and diffuse disciplines goes rather far toward explaining this insolubility; and (iii) he has tried to describe the sources of stability within disciplines--hardly a counsel of dispair. Further, this criticism tells only if one grants the importance of general justification. Despite the complexity of their work, the inductivists have not made especially convincing arguments that induction ought to mime deduction. Toulmin, I think, is pursuing the possibility that induction may differ in kind from deduction. If an inductivist eventually formulates a solution to the problem of induction, the result may say more about his own cognitive system than about discourse in general or the ontology of cognition. The result may be more an artifact of his thinking than of the realities of thought. Some logicians, perhaps many, would agree with this proposition--which nicely illustrates the differences between their goals and argumentation's. The logician's dispair may be a social theorist's productive and exciting program.

Toulmin's work simply does not resonate well with the inductivist's program. Kyburg, an otherwise profound student of these matters, has accused Toulmin of equating the modal term "probably" with the attitude of the speaker,[35] thus displaying a startling unfamiliarity with the field idea. Reason in Ethics also devotes much space to criticisms of the emotivism of Stevenson and Ayer.[36] His discussion of "speaking guardedly" vis-a-vis probability statements, which Kyburg criticizes, is perfectly reasonable if seen as taking its meaning from the facts of an individual field. Kyburg is attacking Toulmin for failing to do something he never set out to do. The criteria for modal terms are, for Toulmin, field dependent.

Kyburg also says that Toulmin has abandoned the goal of normative logic. This vivifies the differences between Kyburg's inductivist program and the field dependent approach to science. For Kyburg, who has not abandoned the general justification goal, "normative" means a priori and general. Toulmin, of course, has looked at the norms within fields and from a social theory perspective cannot rightly be charged with abandoning normative goals. I confess a certain affection for Kyburg's criticism since I have, in another paper for this conference, attacked Toulmin for hewing too closely to a normative program.[37] This merely shows that Toulmin is trying to steer a middle course between absolutism and relativism--a sailing plan he has repeatedly underscored. He could only expect flack from both sides.

My own criticisms of Toulmin have emanated from the relativist side and have led me to urge a psychologistic course--an approach Kyburg would doubtless find too loathsome to bear mention. It is certainly a course which has nothing to do with formal logic. The importance of these disputes is that they show the chasmatic differences between logic and argumentation. For argumentation, the core issues are whether or not Toulmin's field notion is too rigid, assumes too much stability in ordinary talk, or imposes too many scientific presuppositions upon ordinary fields. The field notion was never intended to generally justify induction, nor should it have been. Its value resides in its capacity to illuminate ordinary discourse. To my mind, the only realistic concern for argumentation is whether Toulmin's exposition of the field idea veers too closely to the absolutist side. This is a fine thing for us to dispute and should keep our journals happily fat for many years.

## Induction and the Nature of Experience

Many philosophers have enjoyed a comfortable equivocation in their views of serial predication and of experience. They have thought experience to be inductively derived and induction to be a form of serial predication, but have not explained the place of conscious, predicative, serialized arguments in the gaining of experience. My claim here is that, although serial predication can be imposed upon experiences, there are few obvious reasons for supposing that experience is actually attained this way. Thus, I pursue here the theme that defining inductive serials as experience or experience as inductive serial predication is counter-intuitive.

Aristotle saw induction as the core experiential function of nous. Over life's course, one derives generalizations from particular observations. Inductively derived generalizations serve as deductive premises--induction, indeed, being the precondition of deduction. Thus, in discussing experience, Aristotle consistently used the language of logic: his examples were, in a phrase, "inverted syllogisms," moving from specifics to general premises as if the major premise of a deduction were the conclusion of an induction. Bacon, in attacking the scholastic uses of Aristotelian logic and proclaiming the primacy of induction, retained something close to Aristotle's conception of nous. He used, equally, the language of logic to describe the getting of experience.

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There are some unobjectionable features of this thinking. Aristotle and Bacon defined experience as accumulations of the images a person takes in--they were both thoroughgoing monists. Nous perceived the recurring themes in events and generated generalizations about them. Yet, there is ambiguity here if experience is construed as an ongoing process. A serial predication has clear boundaries--temporal and even spatial. Aristotle, of course, was preoccupied with causation, the four causes, and a traditional Greek view of stasis. Thus, experience consisted of starts and stops, discrete movements involving formal and material changes in the soul and its bodily substratum.[38] Experience, then, would presumably consist of countless movements, discretely marked off from one another.

How does one learn that "all As are Bs" or that "all men are mortal?" One could be taught these things, but this courts deduction and does not fit consistently into the physicalist paradigm Aristotle developed. Deductive logic is a language of discrete--characteristically narrow--temporal units. A syllogism is a unit of proof, a thing, a serialization which one can run through in a specifiable time span. I shall take for granted here that no contemporary theorists wish to view cognitive development through the lens of Greek physics and that, despite differences, most theorists prefer to think of development as an ongoing process rather than a series of discrete movements. The serial predicative language is not well suited to such gradual, long term developments. Aristotle possibly chose to employ this language because he saw no clear alternative vocabulary to explain and describe the gradual accumulation of experience. More likely, however, his preoccupation with causation and apodeictic logic blinded him to the essential differences between discrete units of proof and long term cognitive development. Few commentators have doubted that syllogistic logic was, for him, a fundamental conceptual lens.

The intuitive weakness of equating experience with discrete reasoning has occurred to me in various guises. I recall preparing for a lecture by rereading De Anima, the two Analytics and the Topica and realizing with more that a little disquiet that I felt I was looking at a fundamentally false explanation. I had never actually--at least consciously--thought that way. I found that, while it was easy enough to create inductive serials, they were not especially convincing examples. That is, they struck me as different in kind from the actual acquiring of experience. Experience had to be automatic, largely intuitive, affective as well as cognitive, and essentially nonconscious.

Aristotle possessed the theoretical resources for dealing with nonconscious thought, but he appealed to the idea in very limited and specified ways. Only with respect to the practical and enthymematic syllogisms did things "go without saying." By this he meant that some things were so obvious that it was unnecessary to reflect upon them or articulate them publicly. We pass rapidly over them--which is not quite the same thing as nonconscious thought. In Western thought, it was not until Helmholtz that nonconscious thought was given an important place in psychology.[39] The Würtzburg school, with its view of imageless thought, believed that introspection was the only avenue toward understanding the automatic, nonconscious, and intuitive character of ordinary knowledge.[40] Aristotle was not thinking along such lines: serial predication was at the core of his formulation and was itself founded on a thoroughgoing monism.

Aristotle's views clearly cannot serve a contemporary approach to experience. For one thing, deduction and induction become hopelessly confused as one attempts to describe experience. If one heard three rock tunes and concluded that "rock music depends upon a strong beat" or "rock has weak lyrics," one might be either inducing or deducing. If one uses a priori (previously formulated) principles to judge the new tunes, one is clearly using the present experiences as minor premises in deductive serials. The varied versions of *Weltanschauungan* theory, if we force the matter, come closer to deduction than induction (as Popper and Wisdom, among others, have stressed). They suggest that one understands events from frameworks which have been built from previous interpretations. PCT takes up this theme; and, if behavior is experimental, hypotheses can certainly be said to be deductively derived from theoretical frameworks. Thus, deduction and induction are confounded if we insist upon thinking of experience as serial predication.

This thinking can also lead to a chronological morass. Aristotle's views of the relationship between deduction and induction are elegant, but they do not ring true if one thinks of cognitive development as an ongoing process. Aristotle thought that induction was the necessary precondition to deduction, yet this is less clear than it seems given *Weltanschauungan* assumptions. This is a "chicken versus egg" sort of confusion. Piaget solved it by making essentially Kantian assumptions about a priori structures to which events are assimilated. Whether or not his assumptions are arbitrary has become an important issue in developmental psychology.[41]

To come at the problem another way, what would happen if we did not possess the idea of serial predicative induction?

Aristotle clearly could have explained the sources of deduction experientially as well as explaining experience along roughly the same lines he actually employed without appealing to serial predication at all. PCT, as the next section shows, makes no use of predication; nor does it need to. "Construing" is the active verb in that system; and it bears no resemblance to serial predicative induction.

Is the opposition between induction and deduction theoretically useful? That is, does induction get its value from displaying something important about deduction? Viewed apodeictically, deduction is self-sustaining, needing no grounding in experience. It does not especially matter how one acquires empty symbols. Viewed epistemically or morally, of course, it very much matters how one acquires beliefs. One could not have a justified true belief unless it was possible to specify the grounds of justification--the whole problem of induction in a nutshell. Viewed psychologistically, it may or may not matter how one acquires beliefs: it depends upon the question being asked. If the question is how people come to see their beliefs as certainties, the logical justification of their beliefs is ancilary to the main question of what assumptions they use to ground their beliefs, a purely ethnomethodological question. The nature of justified true belief is logic's domain; the nature of the background awarenesses and assumptive frameworks undergirding ordinary discourse is argumentation's domain.

There are at least two ways of asking the question "how do you know a belief is true?" A traditional logician or epistemologist would trace the regress of reasons backwards to the fundamental ground of the belief--a pure progression of logic.[42] The a priori assumption undergirding this approach would be that certain formal characteristics are so solidly understood and theoretically secure that they are standards up to which all reasoning can be held. A second way of approaching the question is to bracket a priori justifications and to inquire into the justifications actually used by a person. Most of my work has been devoted to expanding on the theme that the justifications people actually use bear little or no resemblance to the work of logicians. Logical form can be and often has been imposed upon ordinary thought and speech, but only by virtue of the arbitrary--and quite monistic--assumption that deductive form informs all existence. Aristotle thought of the syllogism in that way; the Cartesians saw geometry in that way; and contemporary logicians apparently see deduction in that way. Psychologists who have picked up and used logical ideas have force-fitted their objects of research into that mold. They have also force-fitted discourse into an essentially propositional mold, thus I think distorting the

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character of experience.

To summarize, "reasoning" or "inference" are active verbs in common parlance--something that people do or can do. They have temporal dimensions: at least three tenses and unitary scope. By unitary scope I mean that they have identifiable beginnings and endings; they can be isolated as discrete units of meaning. A syllogism is a movement from premises to conclusion--it has an identifiable beginning and end--precise boundaries. The "problem" of induction, to gloss over many specifics, is that, treated as a form of serial predication, it does not meet deductive standards. Logicians have attributed this failure to weaknesses in their own theoretical instruments and have tried either to work around it or to, as it were, beat it to death by further expanding the possibilities of inductive logical systems. Whether or not this program ultimately succeeds or fails is irrelevant to argumentation because the fact that inductions can or cannot be made into entailments says nothing about ordinary argument. Ordinary arguments are shaped by ordinary experience; and argumentation needs a cogent account of experience to explain its special aspects of social interaction. Serial predication is not congenial to this program; indeed, it is counter-intuitive. The field notion is the best resource for generating a suitable explanation of ordinary justified true belief; and it is up to argumentation theorists to debate the design specifications of argument fields.

I now turn to an exposition of PCT's view of experience with an eye to its usefulness for argumentation theory. The first task is to define inference (reasoning or thinking) in a way that does not require serial predication but does not rule it out. I shall adopt here Toulmin's distinction between logic as a public manifestation of rationality and inference as private ratiocinative processes. Where Toulmin prefers to start from the facts of public discourse (and would prefer not to discuss inference as in any way central to his system), I see inference as the starting place because it gives meaning to public systems of discourse. Public discourse is symptomatic of private processes; groups (fields, after all, are made up of groups) consist of individuals interacting with each other as they develop ongoing lines of action and attempt to coordinate them with the demands of others. I assume, then, that understanding how an individual reasons may explain why he adopts a certain mode of discourse over others; and this does much toward explaining the character and stability of the system itself.

## II

There are two distinct but interrelated senses of movement or activity in PCT: (i) developmental activity consists in a person's building of constructs and construct systems; and (ii) use activity consists in a person's movements (in consciousness) through pathways of constructs in systems. The second mode is a species of the first. Developmental activity is constant, fundamental to all aspects of cognition; and the term subsumes traditional labels such as "learning" or "interpretation." Development is experience. The use activity contributes to the developmental when a person changes a construct system to meet specific needs. The developmental activity, conversely, can determine the outcomes of specific uses, especially if a person is unreflective. As Kelly stresses, each unexamined assumption is a hostage a person gives to fortune.

The developmental sense of activity is expressed most fully in PCT's "experience corollary," which holds that a person's construction system varies as he successively construes the replications of events:

> Since our fundamental postulate establishes the anticipation of events as the objective of psychological processes, it follows that the successive revelation of events invites the person to place new constructions upon them whenever something unexpected happens. . . . The succession of events in the course of time continually subjects a person's construction to a validation process. The constructions one places upon events are hypotheses, which are about to be put to the test of experience. As one's anticipations or hypotheses are successively revised in light of the unfolding sequence of events, the construction system undergoes a progressive evolution. The person reconstrues. This is experience.[43]

Substitute the term "discipline" for "person" and you have something close to Toulmin's evolutionary view of scientific knowledge. Yet, PCT is a psychological rather than a sociological theory. Kelly's focus is upon the thinking person rather than upon a community's traditions of discourse. PCT can undergird a field notion, but as I have argued, it is a more psychological field than Toulmin would prefer.

PCT makes much of the man-as-scientist metaphor, thus directing our attention to commonalities between ordinary thought and scientific method. People, in personal ways, seek prediction and control of events. They have their theories, test their hypotheses, and evaluate their experimental evidence. Their theories have been derived from

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previous interpretations of the recurring themes in events. Their actions are experimental (though they need not construe them that way) and may produce findings which bolster a theory or which cast it into doubt. The epistemic function of this constructive process is elaboration of the cognitive system: people are assumed to so construe events as to enhance their understanding of them--to make the events more predictable and therefore more manageable.

Thoughts, Kelly says, do not flutter about in unstructured fields. They move through networks of pathways in construct systems. Kelly is fond of the term "navigation" to describe this movement. Thinking consists of progressive choices, just as navigation requires constant monitoring and corrections to maintain a course. "Thinking things through" consists of moving from construct to construct in a system. Thus, construing itself may be "considered a sequence of events. Segmented in this manner, it is proper to speak of construing as taking place successively."[44]

Constructs are ordinally arranged, pyramided, or otherwise hierarchically structured. A system's shape reflects how it was built; and its form makes up the pathways which thought follows. These networks of pathways have certain consistent characteristics:

(i) They are flexible--capable of being modified, indeed assumed to vary as a person successively construes events.
(ii) They are structured--they are channels which circumscribe one's range of navigational decisions; prior assumptions constrict and channelize thinking, making freedom and determinism features of a person's construct systems rather than of the outer world.
(iii) They have a focus--they are channels with destinations, directing thinking toward certain things rather than others, making certain lines of reasoning easier than others; they have foci and ranges of convenience--events for which they work best or will suffice.
(iv) They are future oriented--like the construct systems which give them shape, they are directed toward prediction and control.
(v) They are constructive--using a system leads to evolutionary change in the system; they direct thought so as to enhance the predictiveness of the system; systems are not static, though they are more stable than fleeting thoughts.

Movements through a system are accomplished by successive constructive choices. Kelly stresses that "constructs have to do with processes and not merely with the spatial arrangement of static objects. The use of constructs is itself a process also. Thus the use of constructs is a matter of choosing vestibules through which one passes. . . . ."[45] One uses a construct by fitting something onto it, by choosing one dichotomous pole over the other. Constructs are "channels in which one's mental processes run. They are two-way streets along which one may travel to reach conclusions."[46] Thus, "when each person must move he is confronted with a series of dichotomous choices. Each choice is channelized by a construct. As he reconstrues himself he may either rattle around in his old slots or he may construct new pathways across areas which were not previously accessible."[47] These choices, as I have detailed elsewhere, are always elaborative.[48] That is, a person chooses that alternative in a dichotomized construct through which he anticipates the greater possibility for the elaboration of his system.

Experience, then, consists of successive constructions. It consists of what a person thinks he knows, the matters toward which he has turned his attention. The analysis of experience becomes for PCT "a study of the field of fact which one has segmented into meaningful events; the way those events in turn are construed; the kinds of evidence against which one has checked the validity of his predictions; the progressive changes which the constructs have undergone; and, most of all, the more permeable and durable constructs which have subsumed the whole evolvement."[49]

Construing, then, is not equivilant to serial predication. For one thing, it is not uniquely or exhaustively verbal or propositional. PCT completely abandons the class division of psychology into cognitive, affective, and conative domains. Kelly repeatedly stresses that constructs are often inarticulate, inexpressable, non-discursive. For another, movements in a system are from construct to construct in ways that do not fit the standard logical terms. Only the most Procrustian interpretation of construing can make it fit induction and deduction. In every case, regnant constructs give meaning to subordinate ones; thus, every induction could be said to be deductively derived. Hypotheses, usually deductively derived from theories, could be said to be induced if they represent limited generalizations which a person uses to "make do for the moment," a supporting system being ad hoced afterwards if needed.

The idea that constructs can be superordinate or subordinate means that movement within a system only imprecisely fits the logical terms for inference. Construing, Kelly says, can only be described inductively or deductively as if-but-not-then or if-then-but-not forms of reasoning because constructs involve choices between dichotomous poles:

> . . . the structure becomes an in-then-but-not form of reasoning. The elements which follow the *then* are the *like* elements in the context and the elements which follow the *not* are the contrast elements in the context. . . . If Mary, Jane, and Alice constituted the entire context of the construct--that is, if the construct did not cover any other persons in its context--then our statement would become simply 'if this person is gentle, she is Mary or Alice, and she is definitely not Jane.' . . .
>
> The construct may be employed inductively, although as everyone who has tried to draw generalizations from research knows, this involves practical difficulties. In this case the form is slightly changed. We may say, '*if* this person is Mary or Alice *but not* Jane, *then* this person is gentle.' This is an if-but-not-then form of reasoning.[50]

This is a dense thicket. Kelly seems to believe that serial predication is a framework which can be force-fitted onto constructive processes, but which does not really fit, at least not comfortably. Hierarchic organization of constructs facilitates a sense of reasoning which does not need the terms induction or deduction to describe it.

Let us flesh out this difference between construction and the traditional logical view of inference more fully by specifying an essential difference between the relationships obtaining between them and their outer objects. Propositional logic uses the notion of "concepts" which have certain clear relations to the objects they describe. Constructs are related to the events they interpret only by virtue of their apparent "fit." This is quite a fundamental difference which further illuminates the uncongenial fit of logical terms in PCT.

## Constructs Versus Concepts

Kelly explicitly abandons the "classical notion of concepts."[51] Since constructs are dichotomous abstractions, they are based on similarities and differences among at least three elements, viz., "John is tall" contrasts John and tall with short; the proposition makes no sense without the idea of shortness, and this is held by Kelly to be true of all ideas. If, for example, A and B are men and C is a woman, a construct focused on *sex* would unite A and B versus C: "the notion of masculinity is predicated upon a companion notion of femininity, and it is the two of them together which constitute the basis of the construct. Masculinity would mean nothing if it were not for femininity. There would be no point in using the term man in the masculine sense if it were not for the notion of sex."[52] Terms, then, take their meanings from the contexts in which people construe them rather than from the events outside that they describe.

This is a way of combining meanings which does not precisely fit logic's program:

> . . . conventional logic would say that black and white should be treated as separate concepts. Moreover, it would say that the opposite of black can only be stated as not black, and the opposite of white as not white. Thus, /a person might/ . . . have shoes that would be just as much not white as the time of day, and he would write on paper that would be just as not black as the distance to his office.[53]

This is a profound difference, reflecting a view of dichotomous form which does not fit into traditional logic. The dichotomy view of PCT is closer to what Burke and the interactionists often call the "universal negative" in language: to say that something is something is, of necessity, to say that it is not something else. This is not a deterministic effect of language per se--a person's dichotomies can be quite idiosyncratic, although communication requires some commonality between persons.

There is, however, a more fundamental difference between constructs and concepts. Concepts, as usually understood, take their character from the events they describe, the reality they express. They have truth conditions (as Hamlyn says) and are potentially falsifiable (as Popper says). By this view, concepts are features of the nature of the things they represent.[54] They are not interpretive acts. They are, as Russell contended, expressed "natural connections" between ideas and events: "in the case of ideas the relation is 'natural;' i.e., it does not depend upon the behavior of other people, but upon the intrinsic similarity and (one might suppose) upon physiological processes existing in all human beings."[55] By this, Lord Russell presumably meant that concepts have a sort of "natural meaning" and, if mistaken, can be confronted with the events they incorrectly describe and corrected. An important variant of Russell's view is the approach which links concepts to features of language (or logical form) rather than outer events.[56] Concepts, by this view, take their truth from the objectivity of discourse.[57] Ayer's version of "language, truth, and logic" is perhaps an archetype of this approach--an exemplar of Vienna Circle positivism.[58]

Constructs are nothing like this, although they are abstractions. Most basically, they differ from concepts in that they are interpretations, personalized representations of events having no necessary connections to the events they represent. Kelly says that this approach to constructs is in the tradition of what nineteenth century psychologists insisted on calling "percepts" because percepts entailed personal interpretations.[59] Yet, percepts were rather concretistic, Kelly says; they were not abstractions while constructs are most basically abstractions: "the construct is an interpretation of a situation and is not itself the situation which it interprets. Our view of constructs makes it appear that all people's thinking must be abstracted, and never absolutely concrete. . . . We do not envision the possibility of an entirely concrete psychological response . . .," although some people have more concretistic outlooks than others.[60]

The truth conditions of a construct are features of the system in which it is embedded rather than features of external events. Behavior is experimental. One tests the predictions derived from a system; yet one assesses the experimental results by reference to the standards embedded in that same system. A justified true belief, by this view, becomes a belief which has been tested and has seemed to work out.

## Subjectivity, Objectivity, and Psychologism

Subjectivity and objectivity have, in the West at least, nearly always been dichotomized; as theoretical elements, they have been assumed to be antagonistic. Those who have believed objectivity to be a product of subjectivity or objectivity to be the necessary precondition of subjectivity have often been accused of surrendering to psychologism, of reducing norms, social processes, and even the presuppositions of discourse to "mere" cognitive processes. In this spirit, even Wundt took care to avoid psychologism by stipulating that mental events were "conscious" or "actual." He was reacting to the extreme views of Beneke and Fries who held all species of philosophy to be subsets of psychology: introspection was the root philosophical tool because all knowledge took the form of cognitive development.[61] They derived their views from a critique of Kant's rejection of psychologism: he had insisted that a priori mechanisms ensured empirical truth independent of any psychological processes.[62] The weakness of this extreme defense of psychologism is its inability to explain stability--the fact that some public veridical and judgmental standards have been consistently sustained and appear to work.

Milder versions of psychologism have been employed even by logicians. Mill, for example, believed that mathematical and logical axioms were ultimately reducible to introspectively derived principles.[63] Hamilton saw logic as a species of psychology which undergirded a public manner of discourse--a point of view for which I have considerable sympathy.

Heidegger, surely influenced by Husserl's extensive critique of psychologism, nonetheless located the essence of human nature in the purely subjective experience of dread. One could not read about such ideas and fully understand them; one had to actually experience dread. For Heidegger, objectivity was an attainment--a stance--which sprang from subjectivity; subjective experience was its necessary precondition. The two standpoints were not dichotomies or antagonistic theoretical terms: they were each ways of looking at the other. There are elements of this thinking also in Sartre, who refused to ground knowledge in any particular thought but did couch it in a person's attainment of transphenomenal knowledge.

Positivists have been the most consistent critics of psychologism. Frege and Carnap, for example, stressed its incompatibilities with the chief views of positivism. Yet, the positivists themselves surrendered to elements of psychologism in their view that mental events are private and cannot be probed by the methods of science. Few of these theorists would have any truck with introspection. Positivism is a discredited perspective,[64] but this does not mean that positivistic criticisms of psychologism are all inaccurate. Centrally, if one is to defend a brand of psychologism, one must clearly explain stable public systems of language, logic, and science and how these public systems of discourse and evaluation relate to private mental processes.

My own attempts to "psychologize" argument and to critique Toulmin and others for attempting to "de-psychologize" it have been flawed because they seemed to rule out the possibility of dependable norms, stable language conventions, and veridical logics. The history of the psychologism debate is a combative one; and I have appeared to take the side of the most extreme version of psychologism, denying by implication the historical status of social/normative systems. Thus, many writers who may have had considerable sympathy for my criticisms of traditional argumentation have hesitated to follow the constructivist/interactionist lead because, I think, they saw it as a rejection of the possibility of logic. This has never been my intention, but the fault is largely mine because I failed to specify the brand of psychologism being advocated and its implications for normative approaches to argumentation. I have never intended to embrace the Beneke-Fries vision and, in fact, do not believe that psychological processes are always the *source* of public systems. That would be to deny that these systems themselves influence thought--much too extreme a psychologism for my tastes.

My arguments about the irrelevancy of the induction problem do not and need not deny argumentation a normative element. The same holds for my arguments elsewhere that descriptive work is prior to evaluation: to evaluate a man's arguments requires that we know what he thought he was doing; this requires reference to psychological processes but does not vitiate the application of some judgmental *system* to specific instances. The warrants of judgments must themselves be warranted--these final warrants being aspects of some system of thought. I have elaborated this thinking in my critique of Toulmin's field notion for this conference. The key distinction there--and here--is between searches for a priori principles and *searches for presuppositions*. I share with Toulmin a rejection of the logician's goal of defining the a priori grounds of reason.

But there are several possible ways of explaining *presuppositions* as the grounds of reasoning. Toulmin follows a "sociological" path because he believes that grounding logic in psychology makes logical form obscure. He believes that language and logic can never be reduced to individual psychology because people communicate through them as common media. They are idealized transcendal elements, located only adventitiously in any single mind. Yet, these are justifications for the systemic approach per se, not attacks on psychologism; they are not reasons why the two approaches cannot be complimentary. Toulmin assumes rather than argues that psychological approaches can only muddle logic.

Another approach to presuppositions, which I have embraced, sees presuppositions as social conventions and norms whose effects are best understood through examination of specific instances. By this view *subjective* and *objective* are not antagonistic dichotomies--they are each products of the other and necessary preconditions of the other. Objectivity makes no sense unless seen in relation to subjectivity. Social comparison processes consist of a person's checking his views against those of others: a public system is produced from such processes, consisting of the historically evolved best guesses and firmest truths of a group of people. Subjectivity consists of the ways individuals employ those public systems. Both are legitimate objects of study because the daily routine activities of actors are both affected by and themselves affect public systems. Subjectivity and objectivity are thus interdependent: subjectivity creates objectivity because it cannot do otherwise.[65] It cannot, that is, securely interpret events without reference to a standpoint which lends credence to subjective performances. Conversely, objectivity creates subjectivity by giving a person a point of reference other than his own thus allowing him to distinguish his own perspective from others. Thus, subjectivity is an objective accomplishment and objectivity is a subjective accomplishment.

Speaking loosely about the field notion, we often use "sociology" and "psychology" as dichotomous species of "objective" and "subjective." Toulmin seems to use the terms in this way, and thus locates the warrants for judgmental warrants in fields or disciplines. This blinds him, I think, to the importance of daily communicative practices of actors within fields. If we believe, however, that subjectivity and objectivity are inter-dependent, not antagonistic--preconditions for one another--then perhaps it is not so great a leap to see "sociology" and "psychology" similarly.

This explains the inappropriateness of the "vindicationist" approach to induction for argumentation. It becomes non-psychological by virtue of adopting an extreme, structuralist, and possibly deterministic "sociology," completely ignoring individual practices. This will not do for the study of ordinary argument and its presuppositions. For one thing, argumentation theorists are interested in a class of questions which lie well beyond this normative pale. When ordinary argument occurs, knowledge--or what passes muster for knowledge among ordinary actors--is often attained. It is legitimate and necessary to ask how this happens; and here our interest in logical norms is purely centered upon their practical effects upon specific actions.

For another thing, if objectivity and subjectivity are not antagonistic, it is essential to know what a man thinks he is doing when he thinks he is behaving "rationally." This will both enhance our understanding of normative effects and of the historical evolution of evaluative systems. Just as extreme psychologism cannot account for the stability of veridical and judgmental systems, so extreme versions of sociology cannot account for innovation and change. This leads me to suspect that rationality is not any real thing, having ontological status, but merely a name for activity which somehow fits a public system or diverges from it in ways that the system itself would declare to be orderly.

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It will not do to say that rationality consists of rule following because, in circumstanced discourse, the rules of language or logic are often _tacit_. The discourse analytic tradition, for example, for which I have great sympathy and see as roughly consistent with and contributive to my own approach, views argument as a rule-governed method for managing certain _conversational events_.[66] This is a non-psychological approach to natural conversation which does not rule out psychological explanations.[67] From this perspective, it would be counter-intuitive to equate rationality with tacit rule-following because the focus is upon _conventional_ activity in ordinary circumstances--something few philosophers would care to pin their views of rationality to. As a philosophic notion, the idea of a tacit rule does not fit well--it is almost a contradiction in terms. It is at best vague and equivocal.

Yet to pin rationality to explicit appeals to rules highlights the interdependence of objectivity and subjectivity because one who carefully calculates the applications of a rule to his own activity is taking a subjectively accomplished objective stance. Thus, we can better understand why communities of discourse treat certain propositions as if they were axioms by understanding how an individual does so. Logicians often say that logic is concerned with how men in general (not _a_ man) reason. This begs the question if men in general follow systems evolved from specific practices.

PCT, a subjective psychology to be sure, contains principles which explain how objectivity is a subjective accomplishment. Its view of the nature and operations of cognitive systems is analogous to, consistent with, and can dovetail elegantly into _Weltanschauungan_ approaches to scientific knowledge. A private system is far richer, i.e., employs more diverse modalities of expression and relies more extensively on intuition, than a public one. Public systems are historically evolved creations of the communicative accomplishments of actors, thus reflecting some of the character of private systems. They are residual constructions of past public accomplishments which people resort to with a certain kind of faith that they will continue to be useful.

The knowledge-belief dichotomy, on which the history of epistemology has turned, is perhaps a clear subset of the objective-subjective construct. This explains the faith people place in systems and their willingness to subject personal constructions to public verification and judgment. But subjectivity and objectivity need not be dichotomized, which casts the opposition of knowledge and belief into equal doubt. Again it can be seen that each is a precondition of the other. The history of epistemology

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has been preoccupied with the knowledge-belief dichotomy because few thought to challenge the main argument of the skeptics, viz., that knowledge can consist only of certainties. The problem of induction is but a piece of this larger problem: to say that A knows X is to say (i) X is true; (ii) A believes X; and (iii) A believes X for good reasons, i.e., reasons apodeictically derived from the essential nature of X. This stringent view of knowledge loaded the dice in favor of the skeptical critique (and gave birth to the problem of induction). It also fueled the attacks of psychologically inclined skeptics who saw clearly enough that (i) and (iii) might easily be circular.

Even the analytic account of knowledge makes belief a precondition of knowledge (which became justified true belief). Thus a great deal depended upon the nature of the systems one used to determine justification. Syllogistics, mathematics and geometry, logic, and scientific method have attracted their adherents and many interesting disputes have emerged. Yet, one umbrella psychological notion unites these alternatives: what passes muster for knowledge in a community of discourse does so because of the faith and commitment people have for the system producing it. Indeed, the idea of a public system of thought makes no sense without reference to the people who believe in it and use it to check their individual lines of action.

Knowledge and belief are thus not dichotomous and can be contrasted best on a continuum of confidence. The word "knowledge" is an abbreviation of a phrase, "what passes muster for knowledge." I need make no assumptions here as to whether inference can be equated with its public expressions. Thought doubtless occurs in a far more exotic environment; and I have elsewhere said that logics seldom (if ever) adequately represent the internal complexities of inference. But the knowledge-belief relation does not depend upon the logic-inference relation. Logic and inference need not be continuistic; they likely are not; and they probably differ in kind. Knowledge and belief, on the other hand, need to be understood as continuistic (on a dimension of confidence) and need not differ in kind except on a dimension of public accessibility. This view, incidentally, does not rule out aspects of personal knowledge, especially intuitively derived varieties if an intuition can be communicated and can "pass muster" and be accepted by others. "Personal" and "what passes muster" do not differ always on a confidence dimension; they are merely two standpoints toward knowledge, often differentially appropriate to variant classes of phenomena.

## Recapitulation

PCT is superior to modal logic in explaining experience. Its explanation of development parallels Toulmin's view of disciplinary evolution, though it leads us to assume more of a two-way flow of influence than Toulmin may wish. The nature and importance of public systems can best be assessed through observation of individual appeals to them. People do not routinely turn to systems for advice and comparison; they turn to other people who somehow serve as the spokesmen for the system. This seems most true in what I have called the ordinary fields and the diffuse disciplines. It is possibly, though by no means certainly true that in the compact disciplines, solitary individuals can actualize a system with less dependence upon communicative acts and more upon written documents. I am unsure, however, that this can be defended as a categorical difference between the compact and diffuse and ordinary disciplines. As Toulmin stresses, the professional associations among scientists even in the most compact disciplines are decisively important. Thus, my claim that people turn not to systems but to people is plausible. It means that one can best understand the practical implications of any public veridical and judgmental system by observing individual cases of its uses.

Experience can only be force-fitted onto the serial predicative model. Serializing is a conscious, problematic, attentive activity. It fits most precisely into accounts of philosophic argumentation such as those by Ryle, Hare, and Johnstone.[67] Experience, conversely, is essentially intuitive. It is largely couched, as the discourse analysts believe, in communication guided by tacit and explicit conventions. It is developed through constructive processes which are sometimes tested publicly by a person. When an actor sees no need for social comparison, experience is gained through unreflective activity by people emersed in the duree--the ongoing stream of events in daily life. Public systems are specialized rigors which people can and do turn to when the need is apparent. Working logics are but one sort of judgmental and veridical system; and my arguments that the problem of induction is irrelevant to argumentation do not mean that people never use logic. The essential character of these logics of fields is that they are embedded in presuppositional frameworks rather than a priori conditions.

### III

Cognitive development consists of the progressive elaboration of cognitive systems, movement from diffusion and global evaluation toward complexity, differentiation, and specified evaluation.[68] The locus of causality is always the individual, though this does not rule out social influence. Communication is a root process of development as individuals attach meanings to the ongoing stream of events in daily life, often a tacit and intuitive process engaged in unreflectively. Problems or novel situations may create doubt in an actor that his constructions are sufficient to the needs of the moment. Thus, people can and often do attentively compare their constructions with those of others. Comparisons may occur more or less automatically as parts of broader ongoing interactions, or they may become the foci of interactions. When comparisons are the foci, interactions often become arguments. Thus, I have noted elsewhere that argumentative interactions serve important epistemic functions.[69] This is an intuitively plausible proposition, especially for academics who are accustomed to hashing matters out through public debate. Despite many significant disputes, divergent argumentation theorists have been united in the belief that arguments are possibly the best means for testing the soundness of claims.

People sometimes do and other times do not choose to test their constructions of events against public criteria. This probably has to do with their confidence in given interpretations. Public systems, as I have said, both endow and acquire confidence: they endow personal interpretations with authority, especially when they function as tacit assumptive backdrops for inference; they acquire confidence as people turn to them for guidance and as they seem to predict events securely. Thus, any person could be said at different moments to be guided tacitly by a system or to consult it as an authority source or to use it as a critical instrument for veridical and judgmental purposes.[70]

Yet, locutions such as "guided by" or "refer to" or "use" are not as clear as they at first seem. "Guided by" presupposes tacit compliance and must be studied largely though not exclusively through discourse analytic means. "Refer to" and "use," however, are much more difficult. They suggest that a person chooses to align himself with a system, be it a logic or a scientific perspective. But of what does such an alignment consist? Many of the _Weltanschauungan_ theorists, Toulmin is no exception, often speak of systems as if they were somehow "just there," waiting to be consulted. This loosely conceived view objectifies public systems, reducing them to tangible (read "consultable") documents. Most of these theorists would surely protest that this is an unfair description since professionals in a field (to use Toulmin's language) pass principles and values along to their students, creating a genealogy of associations as well as a genealogy of problems. This is a sensible reply,

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but nearly always it gets muddled with the *documents* of a field. If we ask "how do the professionals transfer views and values?" we are usually told to look at the writings and texts of the professionals, thus reducing a field's communication to writings.

I have argued that systems consist of individuals and but secondarily of documents; and I intend this proposition to apply to all sorts of fields--professional disciplines as well as ordinary fields. My assumption is that when people decide to seek verification of their views or to expand their perspectives, it is usually *most fitting* to consult other people. They do, of course, read documents--but these are usually recommended and preinterpreted for them by others. Thus, in a most fundamental sense, the character of a field is revealed in the ways it is routinely communicated.

Thus, belief becomes knowledge--i.e., confidence is enhanced--through *social comparison processes* (SCPs). The SCP notion originated with Festinger,[71] although there are no special reasons why one has to accept Festinger's idea that people tend to seek the opinions of others whose competencies or abilities are perceived as *similar* to their own.[72] Indeed, the above reasoning would seem to suggest that in at least some instances, actors would seek comparisons with persons perceived to be superior to themselves in some importance respect. Otherwise, we would be left with the counter-intuitive view that students seek the advice of other students rather than professors *with respect to subject matters*. More likely, even if a student seeks advice from another student it is because that person is perceived to possess some attribute which is superior to the seeker's. The research with which I am familiar seems to show that similarity is important mostly with respect to *social* issues (as opposed to professional judgments or complex substantive decisions about ideas).[73]

Thus, by social comparison I most basically mean instances when actors seek out the opinions of others, testing their own constructions against the of others. SCPs are thus basic organizational processes of ordinary (as well as some specialized) fields as well as core contributors to the confidence individual actors place in their interpretations.

## Logic and Psychologic

For the most part, psychological accounts of inference have been based upon familiar logical principles, often taking these principles for granted, combined with attempts to integrate motivational elements into them. Thus, McGuire gave thought traditional syllogistic form but held that it was often contaminated by "wishful thinking."[74] In a similar vein, many researchers have probed the "atmosphere effect" which suggests that the mood of a syllogism (e.g., whether one or more premises are negative, or particular) can predispose a person to accept a similar conclusion mood.[75] Syllogisms are assumed to comprise the core of human reasoning but to be compromised by moods or "mental sets."[76] Critics of the atmosphere effect have largely accepted the centrality of the syllogism but challenged the importance of sets, e.g., Chapman and Chapman proposed that syllogistic errors reported by the atmosphere studies were simple errors (mistaken premises or poor combinations of premises.[77] Other theorists such as Wason and Johnson-Laird have used traditional induction and deduction as the models of thought and relegated some of the motivational contaminates to a "pathology of reasoning."[78]

Such research may have profound pedagogical implications for logic, but its fit with the needs of argumentation and practical reasoning theory is far less congenial. The contamination studies share, despite differences, a commitment to logic as a taken-for-tranted, not-to-be-questioned, or bracketted description of ordinary inference. These studies doubtless prove that Ss can be made to work with syllogisms or inductive serials; but this is the strongest claim to be made for them. None of the researchers probed the views of the Ss about the experiments and it is proportionately unclear just what their findings mean. These studies may mean little more than the proposition that "people forced (in artificial contexts) to work with unfamiliar inferential techniques often make unaccountable errors; it appears that they contaminate the studies with their own points of view." Many of the atmosphere studies, for example, did not assess their S's familiarity with the content subject matter of the syllogisms. Thus, there has been little consistency from study to study in the atmosphere effect obtained. Further, there are differences in atmosphere effect according to the types of tasks Ss are faced with. The theoretical framework behind most of this research has been unable to account for these discrepencies, leading Wason and Johnson-Laird to speculate that the atmosphere effect idea at best needs to be supplemented by incorporation into a coherent theoretical framework which explains its variable appearance: "however, taken in conjunction with Wilkins' differences between familiar and symbolic material and with Sells' differences between valid and invalid inferences, they suggest a more radical alternative. Perhaps there is no atmosphere effect in syllogistic reasoning at all, but merely an amassed set of data which, when casually viewed, gives rise to the illusion of such a phenomenon."[79]

The contaminate approaches to psychologic, then, have placed special emphasis on logic (as the unproblematic core of inferential processes) while more or less tacking-on the "psycho" as an irritating or confounding intrusion into otherwise pure processes. This approach is not unfamiliar to readers of argumentation texts. In the fifty-odd history of that domain, most theorists have believed motivational elements to somehow "fit onto or into" logical form--as an afterthought. The typical explanation has been that, although logical reasoning secures truth, persuasion and emotional appeals are needed to secure the assent of others.[80] Errors of reasoning have characteristically been explained along contaminate theory lines.

Other approaches to psychologic have followed implicit faculty psychology assumptions, dealing with inference with explicit explanations of the role of motivational elements in the process. Despite Bruner's sustained interest in intuition and creative thought, the classic study by Bruner, Goodnow, and Austin essentially brackets the contamination problem.[81] It presents a circumstance-focused version of modal logic, focusing on such traditional themes as attributes and concepts, concept attainment, categorization, and probability. Problem solving tasks are held to reveal insights about more complex cognitive operations. Despite the familiar differences with Piaget over the relationship between thought and language, Bruner's views on the development of inferential processes are congenial with the Genevan program. Piaget and his associates have conceptualized development along formalist lines--the concrete operations stage being characterized by the beginnings of deductive logic and the formal operations stage being devoted to the attainment of logics of implication, abstraction, hypothesis-testing, and propositional serials.[82] Logic, in the Genevan view, is a set of operations capable of being internalized; internal logics are capable of sustaining thought and freeing the individual from outside circumstances. This is Kant revisited and a thoroughly monistic account: the attainment of formal operations is an internalization of the essential forms in the external world by a mind naturally endowed and predisposed to embrace these forms.

Criticisms of Piaget for underestimating the effects of communication are familiar; and they seem to apply equally to Bruner's program in A Study of Thinking which focuses exclusively upon a silent and solitary thinker, although this view is never explicitly stated. The appended chapter by Roger Brown focuses on the stable categorizing effects of language rather than communicative processes. The book's stance toward communication is equivocal: one does not know why communication has been ignored, whether the authors believe that it has no relation to

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thinking or that its relation to thought is too ambiguous to be adequately dealt with.

The relations between thought and motivational elements are often difficult to grasp in both Piagetian and Brunerian works. Piaget has explicitly defended a parallelism between logical and moral domains--an approach recently elaborated by Kohlberg.[83] Yet, the parallelism itself has remained more an assumption than a claim to be defended and researched.[84] Bruner, in a variety of places, has defended the view that emotions are physiological activities to which persons learn to attach labels. These labels presumably could fit into the framework of concept attainment and serializing. Yet, it is surely possible that such labels are rather pale reflections of the feelings experienced. Proportionately, it might be quite misleading to integrate labels for the passions into serials without dealing carefully with the issues raised by the contaminate theorists.

All of these approaches have seemed to be premised on the implicit value judgment that syllogistic or inductive logics constituted the "higher mental processes" which were distinctively human. Development, implicitly understood, was movement from global "primative" emotional responses toward calm, cool, rationality manifested in serial predication. Moreover, since Aristotle theorists have seemed to assume that the higher processes somehow control or subdue the emotions--the relation between affect and cognition being essentially antagonistic. These implicit assumptions have been trenchently criticized, mostly on the grounds that the value judgments are perfectly arbitrary and contrary to intuition.[85] There are, in fact, no special reasons for believing that development entails movement away from emotion or that the emotions themselves do not develop, become integrated or bound up in other cognitive operations to such an extent that they cannot be meaningfully separated from thought.

Flavell has argued that there exists no principled, nonarbitrary way of excluding mental events from the "Higher Processes."[86] Nearly everything seems to operate cognitively, in some nontrivial sense:

> If there is no nonarbitrary place to stop once we go beyond a narrow, purely Higher-Mental-Process image of cognition, why go beyond it at all? The answer is that we simply cannot talk coherently and realistically about the nature and development of cognition without enlarging and complicating that image. There is a deep and not so deep reason why this is so. The latter reason is that processes like perceiving, remembering, evaluating other people, exchanging

> information with them, etc., are routine functions of the brain and mind; they simply are as 'cognitive' by any reasonable definition as syllogistic reasoning is. . . .
>
> The deep reason is that the psychological events and processes that go into making up what we call 'thinking,' 'perceiving,' 'remembering,' and the rest are in fact complexly interwoven with one another in the tapestry of actual, real-time cognitive functioning. Each process is believed to play a vital role in the operation and development of each other process, affecting it and being affected by it.[87]

Thus Flavell favors a broad, complex, and inclusive developmental model which sees thought as made up of many elements and as contributing to many elements. Reasoning (serializing) and problem-solving are narrow foci which, to be sure, have produced important findings, but which oversimplify the character of thinking. By this view, serial predication is but a narrow, specialized version of cognition--not at all well suited to the role of master paradigm of thought.

PCT seems to adequately meet these design specifications for a theory of ratiocination. Its focus upon construct systems presupposes (and explains) the interactions of various mental elements. It presumes no antagonism or even opposition between logic and emotion. As I have elsewhere argued, PCT does not need to see cognitive development as the gradual evolution of means of suppressing the emotions. If the early emotions are "primitive," so is early logic; if the primitive emotions are the first shapes of the events of the world, inextricably bound up in all thought, why can we not suppose that the passions themselves develop, become more differentiated and specified--changing in quantity and kind? The Wernerian developmental view suggests that new structures subsume old ones; and this should be true of the emotions as well as every other aspect of cognition. Intuitively, adult emotions differ markedly--in a host of nontrivial ways--from those of children. Thus, no logic-emotion dichotomy is needed to sustain PCT's account of thinking.[88]

Constructs take many forms; they are built by a person, often as the result of social comparison processes--communicative acts--with others. Thus, PCT is a rigorous framework that can illuminate Flavell's "complicated image." The holism of cognitive processes is assumed, making thought nothing more exotic than movement through networks of pathways in construct systems. Serial predication is one narrow, specialized form of such movement. Interestingly, PCT predicts a sort of atmosphere effect since movements are embedded in systems; systems are atmosphere, their effects changing as they are applied to different tasks and problems. Moreover, syllogistic reasoning is predictably difficult for actors in some cases because that is not how their systems are set up. Of course, this is a sense of "atmosphere" rather different from what the original atmosphere researchers had in mind.

## Probability and Psychologic

Recent attempts to explain inference by using probability theory have raised issues far too complex to survey here.[89] Many of these theorists have set out, without telling anybody, to solve the problem of induction. This work has been essentially normative, i.e., they express optimal uses of reasoning to deal with new beliefs or to adjust other beliefs when one has been changed. They start with a formal probability calculus and see how well Ss work with it. Unsurprisingly, Ss can and do work probability calculi, but have displayed divergencies from the norms of a significant and curious sort.

Bayesian probability theory has been the basis for many attempts to explain the effects of new information on the revision of other beliefs or the formation of still other new ones.[90] Characteristically, researchers provide Ss with samples of larger populations, asking them to assess the chances that the characteristics of the samples are to be found in the population.[91] The E, of course, has precalculated the odds according to Bayes' theorem. Nearly all of the studies have reported that Ss try to keep beliefs probabilisticly consistent and to revise their beliefs in an orderly way.[92] The curious problem with these studies is the failure of the Ss to estimate equally with Bayesian predictions, i.e., they are more conservative. Two general explanations have been advanced, both assigning blame to the Ss: (i) the Ss may misperceive the diagnostic value of a given item (they may not see its actual--read "real"--probability implications); or (ii) the Ss misaggregate the data, i.e., they do not combine elements in the ways the Bayesian model does.[93] Both explanations, of course, attribute "mistakes" to the Ss because they fail to work properly with the probability calculi. The better explanation is possibly that ordinary people do not think in probability calculi and therefore, doing the best they can on an experimental project, fall rather short of the ideal.

The Bayesian program has lately focused upon the conservatism problem. Interactions between probability estimates and subject matters have not been assessed in detail and can only be speculated about. Most of these researchers do not embrace the field notion; and Bayesian probability theory is more or less assumed to be invariant. Thus, no estimations of the S's views on the appropriateness of the experimental procedures have been advanced. Two recent studies have experimentally reduced the conservatism effect by asking Ss to express calculations in odds rather than probability statements; but it is unknown whether the Ss attached different meanings to propositional and numerical formulations.[94] Thus, the Bayesian program, like its philosophic counterpart, is rather far removed from the needs of argumentation or practical reasoning theory. Fishbein and Ajzen, after a generally favorable review of this literature, seem equivocal in their summary comments. Note, incidentally, that sentence two flatly contradicts sentence one:

> In conclusion, Bayes's /sic/ theorem specifies optimal revision of beliefs in light of new information, and it thus constitutes a model of a 'rational' person whose inferences are unaffected by his desires or by other extraneous considerations. Available evidence indicates that the model provides a fairly accurate description of actual inference processes. Bear in mind, however, that at the present time Bayes's theorem has been applied only in a limited range of situations, and it is possible that greater deviations from the model will be observed in other situations.[95]

For Bayesians, statements one and two are not contradictory since they define "inference" so as to rule out "desires" and "other extraneous factors." Rationality is thus sharply distinguished from the emotions; it is a firm suppression of the passions; and it is, by fiat, defined in terms of an S's ability to work with Bayesian probability calculi. Moreover, most of these studies do not carefully control for emotional effects; they ignore them, apparently assuming them not to obtain even in cases of S errors.

It is far too complicated to speculate here about salvaging this research for our own purposes. At best, the research has a narrow and specialized generalization range which may or may not ultimately fit into a broader, more inclusive theoretical framework.

Other mathematical approaches have been equally normative, assuming a correspondance between subjective probabilities and mathematical expressions. Fishbein and Ajzen have described this Kantian assumption:

> Following Savage (1954) it has usually been assumed that subjective probabilities have the same mathematical properties as the objective probabilities of mathematical probability theory. Thus it is usually assumed that subjective probabilities range from 0 to 1 and that the subjective probabilities of a set of mutually exclusive and exhaustive events sum to 1.[96]

As with the Bayesians, "nonrational" elements are fiated out; possible field differences are not considered; interactions of subject matters and forms of reasoning are not probed; and the status of mathematical probability theory vis-a-vis ordinary reasoning is a not-to-be-questioned assumption.

An interesting variant of the probability tradition is Harold Kelley's approach to causal schemata.[97] Causal schematas are general conceptions people have about how certain causes interact to produce effects. The base model here is of data being placed in a complete analysis of variance framework, which Kelley sees as a subset of the broader formulations of Inhelder and Piaget. This is as normative an approach as the other mathematical systems, but Kelley makes sensible assumptions which can ultimately be tested: (i) the ANOVA model is most appropriate for individuals making a "full dress" causal analysis; (ii) the ANOVA model is clearly an idealized view which is not descriptive of everyday, informal attributions; (iii) many events are not important enough to warrant a full dress ANOVA; or even if they are crucial, there may be insufficient time for such careful ratiocination; and (iv) full ANOVAs are rarely required in daily life. That is, every person has made partial or complete analyses before and can refer to such experience in dealing with new events:

> Furthermore, the mature individual undoubtedly has acquired a repertoire of abstract ideas about the operation and interaction of causal factors. These conceptions afford him a solution to the need for economical and fast attributional analysis, by providing a framework within which bits and pieces of relevant information can be fitted in order to draw reasonably good causal inferences.[98]

These presuppositional causal schemata, experientially derived, enable actors to deal with partial or even insufficient information. They "reflect the individual's basic notions of reality and his assumptions about the existence of a stable external world--a world comprised of permanent, though moving and apparently variant, objects; a world separate from and independent of himself; and a world seen by other persons in the same way as by himself."[99]

This reasoning gets rather closer to the PCT view than the other mathematical approaches, though there are no good reasons to suppose that full dress analyses are (i) uniquely causal--Kelley would probably not insist that they are; or (ii) limited to ANOVA procedures. Otherwise, Kelley's thinking can fit into the broader PCT framework. After all, a key element of Kelley's thinking is something very close to George Kelly's man-as-scientist metaphor. The causal schemata are derived from actions which have the character of experimentation (hence, the ANOVA's appropriateness to inference). There is assumed to be an experimental tentativeness both to behavior and (analogously) to the research of that behavior since "the individual's repertoire of conceptions about the operation and interaction of causal factors . . . provides a marvelously versatile and comprehensive means for making sense of incomplete data. . . . However, one must identify the many important instances in which the appropriate schema is brought into play only tentatively and inferences from it are withheld until additional information can be gathered. . . ."[100] This dovetails nicely with my earlier exposition about the social stimuli of argument and argument's status as a means of knowing.

Another line of research, typified by McGuire[101] and Abelson[102] and their various colleagues, has combined probability theory with formal logic. McGuire has focused mostly on consistency while Abelson has pursued an elaborated "symbolic psychologic.[103] They have stimulated a research tradition far too vast and complex to survey here; and I must be content with some simplified generalizations about the applicability of their work for the present framework. The core question of this research (actually posed by Abelson but applicable to McGuire's work as well) is a general one: given certain evidence, what is the probability (two senses: probability that one will accept and probable truth) of a conclusion? Several things need saying about this question.

First, the question betrays the normative character of the two programs. Performances by Ss are compared with a priori assessments of probability; the probability that an S will accept a statement is assumed to be a function of his agreement with the content of the propositions and on his perceptions that certain serial predications are valid. Indeed, these programs are to be complimented for probing the relationship (for Ss) of form and substance which the other mathematical approaches ignored.

Second, the question betrays the value judgment that "higher mental processes" consist uniquely of the logico-mathematical principles used by the researchers. The generalization range of the research is proportionately narrowed.

Third, the question displays the assumption that Ss are expected to deploy and employ the logical system in similar (indeed, interchangeable) ways. This is not a specific question about this person; it is a generic question having to do with the implications of modal logic per se. It is thus doubtful that specific predictions could be made from this research if we believe that context-embeddedness is an important input. I propose, following Kelley and a host of like-minded theorists, that all activity of ordinary life is context-embedded and value-laden. Ordinary inference, then, may have little resemblance to the symbolic psychologics or consistency theories. These are surely specialized routines which some individuals might use for certain tasks in quite specified circumstances.

Speaking loosely, my criticisms here are rough repetitions of Flavell's view that the higher mental processes do not consist of any one element or any single mode of inference. As one looks at the various approaches to inference, one is tempted to see them as stances appropriate to different tasks and different circumstances. This may be altogether too facile, especially since some of these alternative approaches are premised upon quite incompatible presuppositions. It is doubtless possible, by doing some violence to the theoretical postures of the variant approaches, to integrate them into a broader framework, to see them as but small pieces of the larger puzzle. I shall not attempt such an undertaking here if for no other reason than that most of the alternatives are based upon something akin to Kant's synthetic a priori ideas; and integrating research guided by such presuppositions into the pluralistic PCT framework will be a difficult, cumbersome, and perilous task. Too, it may not be worth the trouble since PCT (as I have argued) possesses an adequate account of inference without appeal to induction or deduction. Serial predicative inference could probably never be more than a small part of that framework.

## Recapitulation

We have, as it were, come full circle. The problem of induction posed by Hume stimulated a vigorous philosophic tradition and, it seems, a counterpart in some psychological approaches to inference. The link between the two traditions is two-stranded: formal logic and probability theory. Most psychological accounts of inference have used these systems are core models of the processes of thought. Their work has suffered some of the same problems that have plagued the philosophers and logicians. The psychological accounts have work from the implicit value judgment that higher mental processes excluded motivational elements (a rather strict and arbitrary duality of logic and emotion); and they have assumed that some a priori system of logic or mathematics informed all cognition. They have thus ignored for the most part context-embeddedness, value-ladenness, individual constructions of a subject matter and options at hand, and a host of other factors which PCT leads us to focus upon.

The psychologists also have not possessed the field notion. They have generally tried to force-fit specific tasks into a priori systems. They have often succeeded in this by virtue of trivializing their findings. Toulmin has made a convincing case for the field notion vis-a-vis logic (as public discourse)--a far easier task than dealing with inference (as a private process). My arguments about the field notion at this conference (note 8) can be capsulized into the proposition that inference cannot be understood without the field idea because thought never occurs in vacuuo. Thus, Flavell is quite correct in arguing for a conception of higher mental processes that takes account of all inputs. PCT is a useful framework for this. It has produced, for example, the idea of cognitive complexity which can account for a host of differences in traditional research findings.[104] This aspect of PCT is well plowed soil and need not concern us here.

## Conclusion

Toulmin has said that "to grasp the true nature and complexity of 'cognition,' 'understanding,' or 'conceptual thought,' one must be prepared both to reanalyze our ideas and terminology in light of new empirical discoveries, and also to restate our empirical questions in the light of better conceptual analysis."[105] In this spirit, I have argued that argumentation has reached a point at which it can define its subject matter along more productive lines. The limits of formal logic vis-a-vis ordinary discourse are manifest: deduction has been irrelevant since Aristotle; induction and the problem of induction now appear to be equally inapplicable to argument studies. This is not a case for throwing out logic altogether. It is rather an argument for careful and extensive work in field theory, for conceptual and empirical work in defining the nature of field logics.

The various approaches to Hume's problem have not produced--nor have they intended to produce--principles applicable to ordinary discourse. The various inductivist programs moreover are not well suited as models for argumentation. The rigidities and narrowness of the psychological accounts of inference display this ill-suitability. A satisfactory psychologic can be generated out of PCT without reference to serial predication (escept as a specialized form--a field dependent logic). PCT uses an explanation of experience that needs no appeal to inductive logic, although it can utilize such ideas when applicable. PCT has the advantage of most "multi-valued" logics: at minimum, it meets Flavell's call for understanding the higher mental processes in new ways. The implicit value judgment surrounding formal logic and mathematical systems is discarded, then, in the present view.

These arguments are, possibly, fairly capsulized in this proposition: argumentation does not need to borrow a priori systems or presuppositions from logic. The field dependent structure of ordinary discourse can be its starting point and should provide a far richer and more productive theoretical perspective. The problem is to account for stability in discourse as well as personal innovation and adaptation. The field idea may well be the avenue to follow in solving this problem, though it remains to be seen how "psychological" the field view will have to be.

We may owe to Perelman and Olbrechts-Tyteca the notion, however vague, of "quasi-logical" arguments. This notion seems intuitively attractive, but the Belgians have hardly pinned the notion down. If my arguments here are sound, we surely do not wish to define quasi-logical arguments as formal serials which are somehow "contaminated" by the emotional spewings of animal soul. Argumentation theorists can reformulate the idea of logic with reference to movements in construct systems, needing no appeal to dualities of logic and emotion, conviction and persuasion, or (possibly) even form and matter. This stance may bring us far closer to understanding "*Le Role de la Decision dans la Theorie de la Connaissance*."

## FOOTNOTES

[1] Stephen Toulmin, Richard Rieke, and Allan Janik, *An Introduction to Reasoning* (New York: Macmillan, 1979).

[2] See William S. Smith, "Formal Logic in Debate," *Southern Speech Journal*, 27 (1962), 330-338, for a review of argumentation texts prior to 1962. All employed syllogistic analyses, deduction, induction, and the usual concepts of formal logic. This approach was sustained after that time. See Glen E. Mills, *Reason in Controversy*, 2nd ed., (Boston: Allyn and Bacon, 1968); and Austin J. Freeley, *Argumentation and Debate*, 4th ed., (Belmont: Wadsworth, 1976). An exemplar of a text following Toulmin's special sense of induction is Douglas Ehninger and Wayne Brockriede, *Decision by Debate*, 2nd ed. (New York: Harper and Row, 1978).

[3] Stephen Toulmin, "What Kind of Discipline is Logic?" *Actes du XI$^{eme}$ Congres International de Philosophie*, V (Amsterdam: North Holland, 1953), pp. 7-11; *The Uses of Argument* (Cambridge: Cambridge University Press, 1958).

[4] Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," *Journal of the American Forensic Association*, 14 (Winter, 1978), 121-140; "Argument as Non-Discursive Symbolism," *Journal of the American Forensic Association*, 14 (Spring, 1978), 187-193; "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructivist/Interactionist Point of View," *Journal of the American Forensic Association*, 15 (Winter, 1979), 169-191; "Argument as Epistemic, Part II," *Journal of the American Forensic Association*, 15 (Spring, 1979), forthcoming; and "The Contributions of Argumentation to Accounts of Moral Judgment," paper for the SCA annual Convention, Minneapolis, 1979.

[5] I am referring to the distinctions drawn by Daniel J. O'Keefe, "Two Senses of Argument," *Journal of the American Forensic Association*, 13 (Winter, 1977), 121-128.

[6] D. W. Hamlyn, "Epistemology and Conceptual Development," in Theodore Mishel, ed., *Cognitive Development and Epistemology* (New York: Academic Press, 1971), p. 19.

[7] *Ibid*., p. 5. The context is "it might . . . be held that my premises are incorrect, that I am wrong in thinking that /quoted passage/."

[8] Charles Arthur Willard, "Some Questions About Toulmin's View of Argument Fields," *Proceedings of the SCA/AFA Summer Conference on Argumentation* (Leesburg Pike: SCA, 1979), forthcoming.

[9] Charles Arthur Willard, "Solomon's *The Passions*," *Journal of the American Forensic Association*, forthcoming.

[10] P. N. Johnson-Laird and P. C. Wason, "An Introduction to the Scientific Study of Thinking," in their *Thinking* (Cambridge: Cambridge University Press, 1977), especially pp. 4-5.

[11] Piaget's debt to formal logic is extensive. See, for example, Jean Piaget, *The Construction of Reality in the Child* (New York: Basic Books, 1954); and *The Principles of Genetic Epistemology* (London: Routledge, 1972).

[12] Some of the important books are Imre Lakatos, ed., *The Problem of Inductive Logic* (Amsterdam: North Holland, 1968); S. F. Barker, *Induction and Hypothesis: A Study of the Logic of Confirmation* (Ithaca: Cornell University Press, 1957); Rudolph Carnap, *The Nature and Application of Inductive Logic* (Chicago: University of Chicago Press, 1954); Rudolph Carnap, *The Continuum of Inductive Methods* (Chicago: University of Chicago Press, 1952); John P. Day, *Inductive Probability* (New York: Humanities Press, 1961); D. A. S. Fraser, *The Structure of Inference* (New York: Wiley, 1968); Nelson Goodman, *Fact, Fiction and Forecast* (Cambridge: Harvard University Press, 1955); Roy F. Harrod, *Foundations of Inductive Logic* (New York: Harcourt, Brace, and World, 1956); Jaakko Hintika and Patrick Suppes, eds., *Aspects of Inductive Logic* (Amsterdam: North Holland, 1966); Jerrold J. Katz, *The Problem of Induction and its Solution* (Chicago: University of Chicago Press, 1962); William Kneale, *Probability and Induction* (Oxford: Oxford University Press, 1949); Henry E. Kyburg and Ernest Nagel, eds., *Induction: Some Current Issues* (Middletown: Wesleyan University Press, 1963); and Marshall Swain, ed., *Induction, Acceptance, and Rational Belief* (Dordrecht: Reidel, 1969).

[13] See, for example, G. H. von Wright, *A Treatise on Induction and Probability* (New York: Harcourt, Brace, and World, 1951); *The Logical Problem of Induction*, 2nd ed., (New York: Macmillan, 1957); and *The Logic of Preference* (Edinburgh: Edinburgh University Press, 1963). The argument that the problem of induction is not in principle insoluble is advanced by Simon Blackburn, *Reason and Prediction* (Cambridge: Cambridge University Press, 1972). See also C. D. Broad, "The Principles of Demonstrative Induction, (I) and (II)," *Mind*, 39 (1930), 317-320 and 426-439.

[14] See many of the essays in Alfred Tarski, Ernest Nagel, and Patrick Suppes, eds., *Logic, Methodology, and Philosophy of Science* (Stanford: Stanford University Press, 1962). Indeed, many of the theorists focusing on scientific inference fall within this category. See many of the essays in Frederick Suppe, ed., *The Structure of Scientific Theories*, 2nd ed., (Urbana: University of Illinois Press, 1977).

[15] This sometimes takes the form of statistical inferences. See S. S. Wilks, *Mathematical Statistics* (New York: Wiley, 1962). Toulmin, of course, represents another variant of this separation of induction from deduction.

[16] See, for example, O. C. Jensen, *The Nature of Legal Argument* (Oxford: Blackwell, 1957); Rupert Crawshay-Williams, *Methods and Criteria of Reasoning: An Inquiry into the Structure of Controversy* (New York: Humanities Press, 1957); Edward H. Madden, "The Enthymeme: Crossroads of Logic, Rhetoric, and Metaphysics," *Philosophical Review*, 61 (1952), 368-376; Victor Kraft, "The Problem of Induction," in Paul K. Feyerabend and Grover Maxwell, eds., *Mind, Matter, and Method: Essays in Honor of Herbert Feigl* (Minneapolis: University of Minnesota Press, 1966), pp. 306-318; Paul K. Feyerabend, "A Note on the Problem of Induction," *Journal of Philosophy*, 61 (1964), 349-353; Charles A. Fritz, "What is Induction?" *Journal of Philosophy*, 57 (1960), 126-138; Nelson Goodman, "Comments on 'The New Riddle of Induction'," *Journal of Philosophy*, 63 (1966), 328-331; and Wesley Salmon, "Should we Attempt to Justify Induction?" *Philosophical Studies*, 8 (1957), 33-48.

[17] May Brodbeck, "An Analytic Principle of Induction?" *Journal of Philosophy*, 49 (1952), 747-750.

[18] Johnson-Laird and Wason, p. 5.

[19] Bertrand Russell, *Human Knowledge: Its Scope and Limits* (New York: Simon and Schuster, 1948).

[20] John Wisdom, *Foundations of Inference in Natural Sciences* (London: Methuen, 1952). Wisdom, like Popper, does not believe that induction is the core of scientific inference. Hypotheses are *deductively* derived from theories. See Karl R. Popper, *The Logic of Scientific Discovery* (London: Hutchinson, 1959).

[21] Hans Reichenbach, "On the Justification of Induction," *Journal of Philosophy*, 37 (1940), 97-103; and *The Theory of Probability* (Berkeley: University of California Press, 1949).

[22] See, for example, J. R. Anderson, *Language, Memory, and Thought* (Hillsdale: Erlbaum, 1976); F. C. Bartlett, *Thinking* (London: Allen and Unwin, 1958); I. Bigg and J. P. Denny, "Empirical Reconciliation of Atmosphere and Conversion Interpretations of Syllogistic Reasoning Errors," *Journal of Experimental Psychology*, 81 (1969), 351-354; and J. Ceraso and A. Provitera, "Sources of Error in Syllogistic Reasoning," *Cognitive Psychology*, 2 (1971), 400-410.

[23] Arthur W. Burks, "The Presupposition Theory of Induction," *Philosophy of Science*, 20 (1953), 177-197; and "On the Presuppositions of Induction," *Review of Metaphysics*, 8 (1954-55), 574-611.

[24] The outlines of this approach appear in Willard, "Reformulation," note 4.

[25] Quoted in Henry E. Kyburg, jr., *Probability and Inductive Logic* (New York: Macmillan, 1970), p. 129. I acknowledge a great debt to Kyburg's lucis review of the induction literature vis-a-vis the "presuppositional" and "non-entailment" sections of my survey. I depart rather substantially from his thinking, however, with respect to the "field" theorists. Kyburg, I think, does not accurately portray these approaches.

[26] See Willard, "Reformulation," note 4; and "Some Questions," note 8.

[27] Herbert Feigl, De Principiis non Disputandum . . .?" in Max Black, ed., *Philosophical Analysis* (Englewood Cliffs: Prentice-Hall, 1963); pp. 113-147; and "On the Vindication of Induction," *Philosophy of Science*, 28 (1961), 212-216.

[28] Max Black, *Margins of Precision* (Ithaca: Cornell University Press, 1970); "Self Supporting Inductive Arguments," *Journal of Philosophy*, 55 (1958), 718-725: *Problems of Analysis* (Ithaca: Cornell University Press, 1950); and *Language and Philosophy: Studies in Method* (Ithaca: Cornell University Press, 1949).

[29] This is Kyburg's conclusion, p. 129.

[30] In addition to *Introduction* (note 1) and *Uses* (note 3), Toulmin has developed his perspective in, among other works: *The Philosophy of Science: An Introduction* (London: Hutchinson, 1953); "Criticism in the History of Science: Newton on Absolute Space, Time, and Motion," *Philosophical Review*, 68 (1959), 1-29; with June Goodfield, *The Fabric of the Heavens: The Development of Astronomy and Dynamics* (New York: Harper and Row, 1961);

*Foresight and Understanding* (New York: Harper and Row, 1963); "Conceptual Revolutions in Science," in R. S. Cohen and M. W. Wartofsky, eds., *Boston Studies in the Philosophy of Science*, III (Dordrecht: Reidel, 1967); "The Evolutionary Development of Natural Science," *American Scientist*, 55 (1967), 456-471; "Does the Distinction Between Normal and Revolutionary Science Hold Water?" in Imre Lakotos and Alan Musgrave, eds., *Criticism and the Growth of Knowledge* (Cambridge: Cambridge University Press, 1970), pp. 25-38; "The Structure of Scientific Theories," in Suppe (note 14), pp. 600-614; and *Human Understanding: The Collective Use and Evolution of Concepts* (Princeton: Princeton University Press, 1972).

[31] Peter F. Strawson, *Introduction to Logical Theory* (New York: Wiley, 1952); "On Justifying Induction," *Philosophical Studies*, 9 (1958), 20-21; "Review of Perelman and Olbrechts-Tyteca, *Traite de L'Argumentation*," *Mind*, 68 (1959), 420-421.

[32] R. Harre, "Desolving the 'Problem of Induction," *Philosophy*, 32 (1957), 58-64. Harre's core concern is not with argument; and he does not fully develop a view of fields. He focuses instead upon scientific inferences. See for example his "Simplicity as a Criterion of Induction," *Philosophy*, 34, 229-234.

[33] See for example, J. C. Cooley, "On Mr. Toulmin's Revolution in Logic," *Journal of Philosophy*, 56 (1959), 297-319; J. L. Cowan, "The Uses of Argument: An Apology for Logic," *Mind*, 73 (1964), 27-45; and Peter T. Manicas, "On Toulmin's Contribution to Logic and Argumentation," *Journal of the American Forensic Association*, 3 (1966), 83-94. Toulmin's most exacting statement of his position on probability appears in his "Probability," *Proceedings of the Aristotelian Society*, sup. v. 24 (1950), 27-42. Attacks on this position appear in C. L. Hamblin, "The Modal 'Probably'," *Mind*, 68 (1959), 234-240; and John King-Farlow, "Toulmin's Analysis of Probability," *Theoria*, 29 (1963), 12-26.

[34] Willard, "Some Questions," note 8.

[35] Kyburg, p. 5. Kyburg focuses uniquely upon the logical character of the statements made. He thus says (pp. 5-6) that "the basic difficulty with the guarded-way-of-speaking interpretation of 'probability' is that one does not generally (and especially not in philosophical or scientific discourse) regard a probability statement as erroneous *merely* because the component statement turns out to be *false*, despite Toulmin's claims to the contrary." Thus, Kyburg says, I would not be mistaken to say "it will probably rain tonight" is a correct statement even if it does not rain if I had good reasons for saying that it would probably rain. One can only say, here, that Kyburg is

using a view of "probably" that is alien to ordinary discourse and moreover is assumed to be invariant and a priori.

[36] Stephen Edelston Toulmin, *An Examination of the Place of Reason in Ethic* (Cambridge: Cambridge University Press, 1964), p. 29.

[37] Willard, "Some Questions."

[38] Charles Arthur Willard, *The Conception of the Auditor in Aristotelian Rhetorical Theory* (Urbana: Unpublished Ph.D. Dissertation, University of Illinois, 1972).

[39] H. Helmholtz, *Handbook of Physiological Optics* (New York: Dover, 1963).

[40] A detailed history of the Wurtzburg movement appears in G. Humphrey, *Thinking* (London: Methuen, 1952), p. 2ff.

[41] See many of the essays in Mishel, note 6. See also Barbel Inhelder, et al., *Learning and the Development of Cognition* (Cambridge: Harvard Press, 1974).

[42] A good example is D. M. Armstrong, *Belief, Truth, and Knowledge* (Cambridge: Cambridge University Press, 1973).

[43] George A. Kelly, *A Theory of Personality* (New York: Norton, 1955), p. 72.

[44] *Ibid*., p. 73. [45] *Ibid*., p. 66. [46] *Ibid*., p. 126.

[47] *Ibid*., p. 128.

[48] Willard, "Epistemic Functionf of Argument," note 4.

[49] Kelly, p. 172 [50] *Ibid*., pp. 124-125.

[51] *Ibid*., p. 106. [52] *Ibid*., p. 60 [53] *Ibid*., p. 106.

[54] *Ibid*.

[55] Russell, p. 96.

[56] Peter Searles, *Logic and Scientific Methods* (New York: Ronald, 1956); cf., William G. Quill, *Subjective Psychology* (New York: Spartan, 1972).

[57] Charles Landsman, *Discourse and its Presuppositions* (New Haven: Yale University Press, 1972); cf., James L. Kinneavy, *A Theory of Discourse: The Aims of Discourse* (Englewood Cliffs: Prentice-Hall, 1971).

[58] Alfred J. Ayer, *The Problem of Knowledge* (Baltimore: Penguin, 1956); *Language, Truth, and Logic* (London: Oxford University Press, 1936).

[59] Kelly, p. 69.

[60] *Ibid.*, pp. 109-110.

[61] See the summary in Nicola Abbagnano, "Psychologism," in Paul Edwards, ed., *The Encyclopedia of Philosophy*, vol. 6 (New York: Macmillan, 1967), pp. 520-521. Alternative approaches to the intuitive bases of logic and mathematics are surveyed in William and Mary Kneale, *The Development of Logic* (London: Oxford University Press, 1962).

[62] Immanuel Kant, *The Critique of Pure Reason*, trans., J. M. D. Meiklejohn in R. M. Hutchins and M. J. Adler, eds., *Great Books of the Western World*, vol. 42 (Chicago: Encyclopedia Britannica, 1952). This is a monistic account of synthetic a priori ideas: mathematical laws inform all being; and the moral law within is but a special case of, say, the movements of planets.

[63] John Stuart Mill, *A System of Logic*, 2 vols., (London: Harper, 1843). Another example is Brouwer who, like Kant and Poincare, believed mathematical theorems to be synthetic a priori truths and are derived by intuitions of *time*. See L. E. J. Brouwer, "Intuitionism and Formalism," *Bulletin of the American Mathematical Society*, 20 (1913), 81-96.

[64] A View now widely held. See, for example, Suppe's various essays on the status of positivism (note 14).

[65] See Stephen A. Tyler, *The Said and the Unsaid: Mind, Meaning, and Culture* (New York: Academic Press, 1978).

[66] Adaptation of the discourse analytic perspective to argumentation has recently been developed by Sally Jackson and Scott Jacobs in as yet unpublished papers. See their "Conversational Organization: Adjacency Pairs," University of Illinois Department of Speech Communication, 1977; "The Social Production of Influence," paper for the Central States Speech Convention, St. Louis, Missouri, 1979; "The Organization of Arguments in Conversation: Pragmatic Bases for the Enthymeme," University of Illinois Department of Speech Communication, 1979; and "Routes for Expansion of Influence Attempts in Conversation," paper for the SCA Convention, San Antonio, Texas, 1979; and Scott Jacobs, "The Practical Management of Conversational Meanings: Some Notes on the Dynamics of Social Understandings and Interactional Emergence," paper for the SCA Convention, Washington, D. C., 1977. This work is,

to my mind, the most significant and potentially productive line presently being pursued in argumentation. It integrates traditional argument theory into speech act theory in hitherto unsuspected ways. Their argument, for example, that enthymemes take their character from Gricean implicatures (i.e., they are expansions based on disagreement) is quite elegant.

[67] Gilbert Ryle, "Philosophical Arguments," in Alfred J. Ayer, ed., *Logical Positivism* (Glencoe: Free Press, 1959), pp. 327-344; R. M. Hare, *The Language of Morals* (Oxford: Oxford at the Clarendon Press, 1952); and Henry W. Johnstone, jr., "A New Theory of Philosophical Argumentation," in Maurice Natanson and Henry W. Johnstone, jr., eds., *Philosophy, Rhetoric, and Argumentation* (University Park: Pennsylvania State University Press, 1965), pp. 126-134.

[68] This is Werner's orthogenetic principle. See Heinz Werner, *A Comparative Psychology of Mental Development* (New York: International Universities Press, 1948).

[69] Willard, "Epistemic Functions of Argument, I and II," note 4.

[70] I have not further specified the meaning of "confidence" because I assume it to be field dependent. The divergent approaches to the problem of induction surveyed above are, in a sense, disagreements about confidence in non-entailments (as well as disagreements about the solubility of the problem). In ordinary fields, confidence may merely reflect a person's unreflectiveness about a standard; in the more compact disciplines, the grounds for confidence can be rigorously stated and examined.

[71] Leon Festinger, "A Theory of Social Comparison Processes," *Human Relations*, 7 (1954), 117-140.

[72] See Stanley Schchter, *The Psychology of Affiliation* (Stanford: Stanford University Press, 1959).

[73] Typical is Stuart Valins and Richard Misbett, "Attribution Processes in the Development and Treatment of Mental Disorders," in Edward E. Jones, et al., *Attribution: Perceiving the Causes of Behavior* (Morristown: General Learning Press, 1971), pp. 137-150.

[74] William J. McGuire, "A Syllogistic Analysis of Cognitive Relations," in Milton J. Rosenberg and Carl I. Hovland, eds., *Attitude Organization and Change* (New Haven: Yale University Press, 1960), pp. 65-111.

[75] R. S. Woodworth and S. B. Sells, "An Atmosphere Effect in Formal Syllogistic Reasoning," Journal of Experimental Psychology, 18 (1935), 451-460; S. B. Sells, "The Atmosphere Effect: An Experimental Study of Reasoning," Archives of Psychology, 29 (1936), 3-72; S. B. Sells and H. F. Koob, "A Classroom Demonstration of 'Atmosphere Effect' in Reasoning," Journal of Educational Psychology, 28 (1937), 514-518; and M. E. Simpson and D. M. Johnson, "Atmosphere and Conversion Errors in Syllogistic Reasoning," Journal of Experimental Psychology, 72 (1966), 197-200.

[76] M. C. Wilkins, "The Effect of Changed Material on the Ability to do Formal Syllogistic Reasoning," Archives of Psychology, 16 (1928), no 102. I Begg and J. P. Denny, "Empirical Reconciliation of Atmosphere and Conversion Interpretations of Syllogistic Errors," Journal of Experimental Psychology, 81 (1969), 351-354.

[77] L. J. and J. P. Chapman, "Atmosphere Effect Reexamined," Journal of Experimental Psychology, 58 (1959), 220-226; and Mary Henle, "On the Relation Between Logic and Thinking," Psychological Review, 69 (1962), 366-378.

[78] P. C. Wason and P. N. Johnson-Laird, Psychology of Reasoning: Structure and Content (Cambridge: Harvard University Press, 1972). The authors (p. 243) state flatly that they know of no study demonstrating unequivocally that the emotions distort reasoning; and, "the studies which purport to show the phenomenon suffer from the limitation that they have required the subject merely to evaluate a given conclusion, and hence it is by no means certain that he has been engaged in the process of deduction." I read this statement to say that the authors believe deduction to be something that can occur completely apart from an emotional context. Cf., M. Donaldson, A Study of Children's Thinking (London: Tavistock, 1963).

[79] Ibid., p. 139.

[80] See the survey of early texts in Charles Arthur Willard and J. Robert Cox, "Introduction," to their Advances in Argumentation Theory and Research (Wooster: American Forensic Association, forthcoming).

[81] Jerome S. Bruner, Jacqueline J. Goodnow, and George A. Austin, A Study of Thinking (New York: Wiley, 1956).

[82] Piaget's books are far too numerous to list here. See the bibliography in John H. Flavell, The Developmental Psychology of Jean Piaget (New York: D. Van Norstrand, 1963), pp. 34-35: mathematics and logic inform both the theory and the content of the experimental work as well as the content studied.

[83] Lawrence Kohlberg, "From Is to Ought: How to Commit the Naturalistic Fallacy and get Away with it in the Study of Moral Development," in Mishel, pp. 151-233.

[84] See Willard, "Contributions of Argumentation to Accounts of Moral Judgment," note 4.

[85] See, for example, Robert K. Solomon, The Passions: The Myth and Nature of Human Emotions (New York: Doubleday, 1977).

[86] John H. Flavell, Cognitive Development (Englewood Cliffs: Prentice-Hall, 1977), pp. 1-3.

[87] *Ibid*., p. 3.

[88] A good review appears in C. U. Shantz, "The Development of Social Cognition," in E. M. Hetherington, ed., Review of Child Development Research, vol. 5 (Chicago: University of Chicago Press, 1975).

[89] A concise review appears in Martin Fishbein and Icek Ajzen, Belief, Attitude, Intention and Behavior (Reading: Addison-Wesley, 1975), pp. 174-187. I have relied heavily upon their review here.

[90] A review of this tradition appears in C. R. Peterson and L. R. Beach, "Man as an Intuitive Statistician," Psychological Bulletin, 68 (1967), 29-46.

[91] *Ibid*.

[92] Fishbein and Ajzen, p. 184.

[93] C. R. Peterson and A. J. Miller, "Sensitivity of Subjective Probability Revision," Journal of Experimental Psychology, 70 (1965), 117-121; and C. R. Peterson, et al., "Internal Consistency of Subjective Probabilities," Journal of Experimental Psychology, 70 (1965), 526-533.

[94] L. D. Phillips and W. Edwards, "Conservatism in a Simple Probability Inference Task," Journal of Experimental Psychology, 72 (1966), 346-354; and W. M. DuCharme, "Response Bias Explanation of Conservative Human Inference," Journal of Experimental Psychology, 85 (1970), 66-74.

[95] Fishbein and Ajzen, p. 187.

[96] *Ibid.*, p. 174. The reference is to L. J. Savage, *The Foundations of Statistics* (New York: Wiley, 1954).

[97] Harold H. Kelley, "Causal Schemata and the Attribution Process," in Jones, pp. 151-174. See also Kelley's "Moral Evaluation," *American Psychologist*, 26 (1971), 293-300; and *Attribution in Social Interaction* (Morristown: General Learning Press, 1971).

[98] *Ibid.*, p. 152.

[99] *Ibid.*, p. 153.

[100] *Ibid.*, p. 173.

[101] William J. McGuire, "Cognitive Consistency and Attitude Change," *Journal of Abnormal and Social Psychology*, 60 (1960), 345-353.

[102] Robert P. Abelson and Milton J. Rosenberg, "Symbolic Psychologic: A Model of Attitudinal Cognition, *Behavioral Science*, 3 (1958), 1-13.

[103] These are not incompatible programs, but McGuire's formulations come closer to specifying the relations of content to logical form.

[104] See Walter H. Crockett, "Cognitive Complexity and Impression Formation," in Brendan A. Maher ed., *Progress in Experimental Personality Research*, vol II. (New York: Academic Press, 1965); Dvora Rosenbach, Walter H. Crockett, and Seymour Wapner, "Developmental Level, Emotional Involvement, and the Resolution of Inconsistency in Impression Formation," *Developmental Psychology*, 8 (1973), 120-130; Paul S. Rosenkrantz and Walter H. Crockett, "Some Factors Influencing the Assimilation of Disparate Information in Impression Formation," *Journal of Personality and Social Psychology*, 2 (1965), 397-402; Bert Meltzer, Walter H. Crockett, and Paul S. Rosenkrantz, "Cognitive Complexity, Value Congruity, and the Integration of Potentially Incompatible Information," *Journal of Personality and Social Psychology*, 4 (1966), 339-343; Clara Mayo and Walter H. Crockett, "Cognitive Complexity and Primacy-Recency Effects in Impression Formation," *Journal of Abnormal and Social Psychology*, 68 (1964), 335-338; Jesse G. Delia, "Dialects and the Effects of Stereotypes on Interpersonal Attraction and Cognitive Processes," *Quarterly Journal of Speech*, 58 (1972), 285-297; and Jesse G. Delia, "Attitude Toward the Disclosure of Self-Attributions and the Complexity of Interpersonal Constructs," *Speech Monographs*, 41 (1974), 119-126. This is but a smattering of the range of issues to which the complexity notion has been applied.

See, for example, the comments of James Bieri, "Cognitive Complexity-Simplicity and Predictive Behavior," *Journal of Abnormal and Social Psychology*, 51 (1955), 263-268; and Bieri, et al., *Clinical and Social Judgment: The Discrimination of Behavioral Information* (New York: Wiley, 1966). A comparison of Crockett's and Bieri's formulations with a discussion of their differences appears in Robert Bruce Horsfall, *A Comparison of Two Cognitive Complexity Measures* (Baltimore: Unpublished Ph.D. Dissertation, Johns Hopkins University, 1969). See also J. Adams-Webber, "Cognitive Complexity and Sociality," *British Journal of Social and Clinical Psychology*, 8 (1969), 211-216.

[105] Stephen Toulmin, "The Concept of 'Stages' in Psychological Development," in Mishel, p. 25.

# ARGUMENT AS LINGUISTIC OPPORTUNITY: A SEARCH FOR FORM AND FUNCTION

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If any agreement characterizes the study of "argument" during the past two decades, that agreement rests upon two shared assumptions. First, that argument in the natural world bears little relation to formal logic; in other words, standards of "validity" must be found in the nature of argument itself and in the intersubjective world of social actors. Second, that argument is no longer perceived as a univocal concept. Indeed, argument may never have been perceived in such fashion as scholars and others relied upon tacit knowledge to recognize differences in usage; but the distinctions between argument as product and process--even, in some instances, as procedure--has been an important development in the studies of O'Keefe, Brockriede, Willard, Wenzel and Burleson among others.[1] These shared assumptions seem rooted in a recognition of the limitations involved in applying "formal" and "symbolic" logics to the world of everyday discourse as well as an increasing desire to integrate argumentation theory more comfortably into the mainstream of contemporary scholarship in communication and rhetorical theory and in criticism. Such veering away from long-accepted views of argument has been a liberating factor in many respects; but much remains unexplained. Further, one occasionally experiences the nagging doubt that argumentation scholars have exhibited a propensity, in abandoning traditional assumptions, to apply principles and to accept assumptions which may not be most appropriate to the study of argument.

In the study of literary and rhetorical genre, many agree that genres exist over time and that specific acts of literature or rhetoric establish certain formal expectations upon those which follow. At the same time, however, each act which follows alters the genre in some way. As the genre changes and adjusts over time, one of the most radical acts is to return to the fundamental assumptions which provided the roots for that genre.[2] To be sure, those roots cannot be experienced in the same manner as before given the altered perceptions which result from the accretion of novelty and change; but those roots do provide a contrasting--often enlightening--perspective to the current exercise of that genre. This paper contends that much the same enlightenment may be found in returning to the roots of argumentation theory.

I admit freely that this endeavor is speculative--some might conclude wildly so; but I shall advance the following claims, each distinct and important in its own right but interrelated with the others:

1. That argument is a particularized instance of symbolic form serving a unique function yet subject to the logic of symbolic forms;

2. That argument--whether perceived as product, process or procedure--is inherently discursive and linguistic;

3. That linguistic knowledge, in conjunction with shared public or communal knowledge, provides the generating principles for argument;

4. That logic is an inevitable characteristic of symbolic form, language and, hence, of argument;

5. That argumentative process and procedure are "Knowable" only through observable product; and

6. That the critic of argument assumes a preeminent role in promoting the understanding of argument, however perceived, and in the ultimate construction of a well-formed theory of argument.

In arriving at these claims, I have drawn liberally from the thought of Ernst Cassirer and Susanne Langer, from the principles of transformational-generative grammars and their derivations (most notably generative semantics and textual grammars) and from the arguments circulating in the interface between sociology, linguistics, logic, psychology, philosophy and communication studies. I have borrowed ideas from one scholar and united them with those borrowed from another--neither of whom might be terribly comfortable with the association. Such actions involve, I grant, a certain epistemological navigation through dangerous shoals, perhaps even with the danger of the world's edge creeping ever closer; but, as one may often do in such moments, I have found comfort in the words of Kenneth Burke. While considering the implications of drawing material from a discipline when experts within that field are engaged in controversy, Burke notes that,

> One thing common to all the specialized sciences is the fact that each specialist uses some kind of terminology. If, then, you specifically subscribe to some one overall nomenclature, or theory of terminology in general, any choice you make from among competing

> specialists outside your field can be *methodologically* justified in terms of your particular overall terministic perspective.[3]

Ah, the wonders of transcedence.

## The Symbolic Function of Argument

The increasing distinction of kinds and communities of argument and, in some instances, an entire shift to describing argument as a "kind of interaction" contains great promise as well as great risk.[4] A broadened view of argument contains the prospect of diminishing the conceptual value of the genre of discourse which is labelled as "argument." Professor Willard, for instance, finds it "intuitively obvious that all kinds of communication may be construed along discursive and/or non-discursive lines and that arguments, *because they are a kind of communication*, reflect the same duality."[5] Such statements run the risk, quite grave from my perspective, of equating the properties of all forms of communication and all interaction with those of argument and, in so doing, of losing sight of the unique functional importance of argument.

The analysis of argument offered in this presentation begins with the assumption that it is one aspect of the "philosophy of symbolic forms" explicated by Ernst Cassirer:

> The philosophy of symbolic forms starts from the presupposition that, if there is any definition of the nature of "essence" of man, this definition can only be understood as a functional one, not a substantial one. We cannot define man by any inherent principle which constitutes his metaphysical essence--nor can we define him by any inborn faculty or instinct that may be ascertained by empirical observation. Man's outstanding characteristic, his distinguishing mark, is not his metaphysical or physical nature--but his work. It is this work, it is the system of human activities, which defines and determines the circle of "humanity." Language, myth, religion, art, science, history are the constituents, the various sectors of this circle. A "philosophy of man" would therefore be a philosophy which would give us insight into the fundamental structure of each of these human activities, and which at the same time would enable us to understand them as an organic whole. Language, art, myth, religion are no isolated, random creations. But this bond is not a *vinculum substantiale*, as it was conceived and described in scholastic thought, it is rather a *vinculum functionale*.

> It is the basic function of speech, of myth, of art, of religion that we must seek far beyond their innumerable shapes and utterances. . . .[6]

While Cassirer is clearly concerned with categories more extensive than that of argument per se, he recognizes differentiation within the broader construct of symbolic forms which produces those of language, art, myth, religion, science and history. While each shares the fundamental principles of symbolic form, each is nevertheless quite distinct from the others although each may also contain elements of the others through the interpenetration of forms. Not only does particularization exist among these symbolic forms, but within as well. Thus, art, which functions to permit the expression of feeling and emotion, is further individuated into music, painting, sculpture and so on. Similarly, I submit that argument is a particularized form of language use which serves the function of "reason-giving" or of providing justification.

The conceptualization of argument as reason-giving or as justificatory is widely recognized and does not need extensive development here. Suffice it to say that Toulmin's description of argument as the justification of claims, Perelman's observation that "a justification will be given for . . . opposition, reasons found for which, in certain circumstances, in concrete situations, the rule should not be applied" and McKerrow's standard for rhetorical validity which rests upon the extent to which an argument "serves as a pragmatic justification for the adoption of a belief" all give testimony to the wide-spread acceptance of this function of this form of discourse.[7] This function seems to serve as a "first-principle" for argument even if viewed as interaction or procedure since the former would involve the process of presenting and refuting justifications and the latter as establishing rules for the investigation and testing of justifications.

At the same time, however, argument--and all symbolic form--is characterized by a certain logic demanding, as Langer interprets logic, a "relational structure."[8] The relational structure, or logic, of symbolic form is that which the symbol itself creates between the experiential and the intuitional. Carl Hamburg observed that,

> . . . the symbol-concept is to cover the "totality of all phenomena which--in whatever form--exhibit 'sense in the senses (Sinnerfuelling im Sinnlichen)' and in which something 'sensuous' is represented as a particular embodiment of a 'sense' (Bedeutung, meaning)." Here a definition of the symbol-concept is given by way of the two terms of the sensuous on

> the one hand and the sense (meaning) on the other, and a relation between the two, which is most frequently referred to as "one representing the other."[9]

In other words, the symbol-concept is the means by which the relation is established between the sensuous--i.e., the sensory, physical world--and the sense in terms of meaning, the significance which the relation has for the intellect. The sensory data, perception, interacts with the spirit, the intuition, and forms an image which is the means by which the relation between sense and sensuous is created and, hence, becomes representative of the whole experience. This image is the symbol.

This vision of symbol passes far beyond the realm of "something which stands for something else" for the symbols about which Cassirer writes have become imbued with the intellect, the spirit of knowing. Further, these symbols contain as their essence a "logic" and function as predicates in that, as Roger Fowler wrote, they are "responsible for delineating the various relationships which obtain between objects or between concepts. . . ."[10] While Fowler is referring to language specifically, to the extent that the symbol does delineate the relations between sense and sensuous, all symbolic form, and as a consequence, all forms of knowing rest upon predication, upon logic. Even non-discursive form, as Langer writes, "has a logic of its own . . . which is very complex; it is largely by virtue of its complexity that it can present us with images of our even more complex subjective activity."[11] Thus, all symbolic form, including argument, inherently serves a particular function and rests upon a logic of predication.

### Argument as Discursive Form

The discursive nature of argument as symbolic form is clearly indicated by Perelman and Olbrechts-Tyteca when they write that, "the object of the theory of argumentation is the study of the discursive technique allowing us to induce or to increase the mind's adherence to the theses presented for its assent."[12] Most scholars also accept that the usual form for argument is linguistic and, as a result, that argument is discursive. More recent studies, however, such as those conducted by Professor Willard, contend that argument may be expressed through non-discursive forms.[13] If, by non-discursive Willard means "non-sequential" or that reasons and justification may be transmitted by non-verbal or non-linguistic means, then perhaps the confusion lies in ambiguous word choice. If, on the other hand, "non-discursive" is equated with what Langer identifies as "presentational" or "artistic" form, then Willard's position would preclude argument from fulfilling its symbolic function of presenting justification.[13a]

Willard himself seems to fall victim to some inconsistencies in this concern. After arguing that argument may be non-discursive and that decisions may be based upon grounds which cannot be categorized as discursive,[14] Willard still seems to view argument as "a kind of interaction in which two or more people maintain what they construe to be mutually exclusive propositions."[15] This description of argument, however, is not possible given Langer's concept of non-discursive form. In her influential work, Philosophy In A New Key, Langer writes that, "Artistic symbols are untranslatable; their sense is bound to the particular form which it has taken. It is always implicit, and cannot be explicated by an interpretation."[16] Thus, the intersubjectivity necessary for interaction to occur between participants engaging in argument cannot exist without some sharing of experience or the representation thereof. Such sharing cannot exist without the experience being "translatable" into the other's psychological constructs, whether the constructs themselves are discursive or not.

Another characteristic of Willard's description is the exclusivity of propositions, but again Langer's concept of form precludes non-discursive argument. Langer writes that, "since presentational symbols have no negative, there is no operation whereby their truth-value is reversed, no contradiction."[17] Any conceptualization of argument which admits to the characteristic of the negative excludes solely presentational form as the means for argumentative interaction.

Finally, it should be pointed out that, although one can "know" through presentational form, one cannot explicate or provide justifications for that knowledge without engaging in discursive form. One may "feel" and may predicate relations between sense and sensuous which are accepted intuitively or aesthetically; but, as Langer notes, "the recognition of how the illusion was made and organized and how the sense of import is immediately given by a strong piece . . . that recognition is a product of analysis, reached by discursive reasoning. . . ."[18]

This claim that argument must be discursive in form should not be construed as an attempt to exclude all elements of presentational form from argument as reason-giving. To do so would be to ignore the fundamental nature of language and to discount the interpenetration of symbolic forms. What such a view does maintain is that all argument is symbolic form which functions as a unique creation for the giving of reasons and justifications; and, further, that it is a discursive symbolic form. Expressive, or non-discursive symbols cannot be separated from sense and do not have any reference beyond the forms per se. As Langer succinctly concludes in Feeling and Form, "where the symbol does not have an accepted reference, the use of it is not properly 'communication.'"[19]

Discursive reasoning itself arises in discourse and shares its characteristics: that is, it posits relations both syntactically and semantically and through the fundamental representativeness of linguistic symbols. Second, discursive reasoning is sequential--for without sequence, verbal expression cannot exist. It is from such insights that Langer observed in Philosophy In A New Key, "the laws of reasoning, our clearest formulation of exact knowledge, are sometimes known as the 'laws of discursive thought.'"[20] If the symbolic function of argument is reason-giving or presenting justification, then that function is accomplished through discursive means--for reason-giving requires analysis beyond mere expression. And, in the practical world of both the naive and the more sophisticated social actor, such analysis is usually conducted linguistically. Language is, in fact, a "very high form of symbolism" for Langer, and it is concerned with relations, however "psycho-logical" such relations might be.

One might still maintain that non-linguistic forms may be used to provide justification. Grave doubt, however, is cast upon this proposition by Jurgen Habermas' contention that, "Nonlinguistic actions . . . cannot assume representational functions" in and of themselves. They require, he continues, that the implicit propositional component "must already be known to the participants if the expressed [i.e., nonlinguistic] behavior is to be understandable. . . . The nonverbal expression itself cannot bring the propositional content of the presupposed norm to expression because it cannot take on representational functions. It can, of course, be understood as an indicator that calls to mind the propositional content of the presupposed norm."[21] I would submit, however, that there can be no indication of validity--in virtually any interpretation of the concept--or of explanation or justification without linguistic forms being employed in either the construction or expression of the behavior. One is left, then, with the conclusion that argument is a unique symbolic creation permitting justification and that it fulfills this function through discursive, linguistic form.

## A Linguistic Approach to Argument

If justifications must be presented by advocates and/or constructed by recipients through linguistic means, then scholars of argument should focus upon these linguistic aspects of the interaction. In other words, while argument may be examined profitably by concentrating upon its interactive elements, one should not forget that it is the symbols themselves--in this case language--which constitute or generate the interaction. This seems to demand that argumentation scholars pay closer attention to the logic of language and its implications for argument than is usually done.

Langer appears to presage the view of argument as interaction in the phenomenal world when she writes in Philosophy In A New Key, "The intellect which understands, reshapes, and employs linguistic symbols, and at the same time tempers its activities to the exigencies of ever-pressing, signific experience, really works with a minimum of actual perception of formal judgment."[22] Such statements seem to reflect those same justifications advanced in critiques of syllogistic and other formalistic approaches to argument--that is, such models bear little relationship to the ways in which naive social actors think and give reasons. But Langer continues:

> Yet all those familiar signs and abbreviated symbols have to be supported by a vast intellectual structure in order to function so smoothly that we are almost unaware of them; and this structure is composed of their full articulate forms and all their implicit relationships, which may be exhumed from the stock of our buried knowledge at any time.[23]

Although Langer herself does not make the specific connection, writing before Chomsky advanced his concepts of "deep" and "surface" structures, her description of this symbolic functioning bears stronger resemblance to the structure of language advanced by transformational-generative grammarians.[24] The "employing of linguistic symbols with little perception of formal judgment" is strikingly similar to linguistic surface structure while the supporting intellectual structure is reminiscent of deep structure.

Transformational-generative grammer assumes that a behavioralist approach to language acquisition and use is unrealistic--that the infinite permutations of syntactical and semantical meaning could never be accounted for by the behavioral model. The most plausible alternative, according to this view, is that certain universal rules underly all linguistic use and that these rules are constitutive or generative: that is, they permit the generation or creation of an infinite variety of sentences. These rules are of two kinds: first, phrase-structure rules, which generate the underlying structures and are usually syntactic; and second, transformational rules which alter deep structure into surface structure.

The phrase-structure rules consist of the most fundamental aspects of producing grammatically correct linguistic acts. These rules, often called constituent structure rules, consist of the discrete symbols or groups of symbols which identify objects, events or attributes--the constituents--and the relationships which exist between them. For example, many linguists contend that one of the universal rules of language is that all grammatically correct sentences contain both a noun phrase and a verb phrase. Since these are necessary requirements, such rules are frequently termed "mandatory rules." Thus, a noun phrase consists of an article, an optional adjective, and a noun. Similarly, a verb phrase must consist of a verb but may also include a noun phrase as an object or a prepositional phrase.[25] Importantly, the relationships or patterns contained in constituent phrases are functional but are expressed through linguistic forms.[26] Such rules and their functional performance creates language, which Ronald Wardaugh defines as a "set of sentences" produced by a grammar that is itself a "description of the possible arrangements of words in a language, and sometimes also the possible arrangements of sounds."[27]

Deep structure thus entails all of the relations and characteristics of a language and constitutes, according to Richard Bandler and John Grinder, "a complete representation of [a sentence's] logical semantical structure. . . ."[28] Included within this structure is completeness, ambiguity, synomymy, referential indices and presuppositions.[29] The linguistic expression which is the observable phenomenon of interaction is the surface structure, or in Langer's terms, those linguistic symbols tempered "to the exigencies of ever-pressing, signific experience". This means, of course, that the linguistic symbols used to present arguments, for example, may be quite different from the complete structure which permits the phenomenon to occur and to be constructed by the recipient. The deep structure is thus "transformed" into surface structure through another set of rules.

These transformational rules permit movement from the more complete, complex deep structure through intermediate structures to the surface structures which are themselves symbolic representations of the former. Examples of such transformations are the following: (1) the imperative transformation which permits the omission of "you" in commands, requests and the like; (2) the permutation transformation which permits word order to vary in surface structure; (3) the surface-structure deletion transformation which allows parts of the logical semantic representation to remain unexpressed; (4) the nominalization transformation which turns processes into events; and (5) the presupposition transformation which allows certain presupposed constituents to remain in deep structure--such as, "Sam doesn't realize that there is a cat on the table" presupposes that, indeed, a cat is on the table.[30] Such transformations permit both synonymy and ambiguity to occur: the former when different structures share a common deep structure and the latter when one surface structure may be traced to multiple deep structures.

One of the difficulties encountered by scholars concerned with human behavior, however, is that relations and meanings are usually constructed not through individual sentences in an idealized environment but in utterances expressed in social situations. From such concerns, a variety of linguists, sociolinguists and psycholinguists developed approaches known variously as generative semantics, text grammars and discourse analysis. As Diana Borstein wrote in 1977, several semanticists such as George Lakoff, John Ross and James McCawley and others "consider not only rules of syntax [emphasized as more important in traditional transformational-generative grammars] , but also rules of appropriateness, presuppositions, and inferences. Therefore, the theory has resulted in a focus on contexts and on the communicative function of language. . . ."[31]

The value of text grammars for students of argument is predicated upon the similarity of characteristics between argument and other texts and the ways in which individuals perform language acts. Teun A. van Dijk explained the value of text grammars: "utterances . . . are tokens of texts rather than tokens of sentences"; "native speakers are able to process . . . such utterances as coherent wholes and not merely as a sequence of (unrelated) sentences"; and "Native speakers do not process texts/utterances verbatim, e.g., by literal recall and by programming sentence structures, but by the formation of (underlying) plans."[32] Thus, the principle of text grammars is that, while the sentence and a "base grammar" provide the foundation, texts and utterances provide a form of superstructure which relates the logic and function of language to specific situations.[33]

The proposed similarities between texts and utterances and sentences goes further in that deep and surface structures and transformational rules are all still applicable:

> A set of transformations will relate macro-structures with micro-structures. The macro-structure is considered to be the abstract underlying structure of "logical form" of the text and will be identified with the deep structure of the text. It consists of global semantic representations defining the meaning of a text "as a whole."
>
> Correspondingly, micro-structure is considered to be the surface structure of the text, which consists of an ordered n-tuple of subsequent sentences.[34]

It is, in fact, the "relationship between the surface structure and the deep structures of sentences" within texts which controls "the features of tone and style."[35] And, these relations are exemplified by the textual transformations which are, according to van Dijk, extremely similar to those in more traditional linguistics including addition, deletion, substition, permutation, repetition and others.[36] If, indeed, linguistic utterances are the symbolic forms by which the function of reason-giving is performed, then deep structure and transformations may be helpful in explaining why people either reject or accept certain propositions or claims and their justifications. Such acceptance or rejection may ultimately rest upon the extent to which claims and justifications presented and interpreted through linguistic texts are evaluated as "valid" according to logical predications.

## Logic and Argument: The Relation Reconsidered

The analysis presented thus far rests upon the formal relations, or logic, inherent within symbolic forms and the inevitable incorporation of that logic into argumentative utterances. Such an interpretation would seem to be at odds with the prevailing belief that "people just don't think in terms which can be subjected to formal logic" or that systems of formal logic are inapplicable because of the inevitable invariance such systems would impose.[37] Perhaps so--at the surface structure level of utterances at least; but a strong case can be made that linguistic forms and their relations do reflect how people think and interact with their worlds at the deep structure level.

Writing in Language and Magic, Toshihiko Izutsu explores the universal foundation of linguistic form and finds a relationship between experiences and our linguistic creations that is remarkably similar to the process of symbol creation outlined by Cassirer:

> There is good psychological reason grounded in the very make up of our world experience why the living creatures and material objects tend to obtrude themselves as permanent, insistent "things" solid enough to be bearers of various attributes, i.e., as substantiae. Their names are natural nouns; they are predestined to become the objects of predication. In the same way the names of attributes discerned in these substances and believed (rightly or wrongly) to be more or less permanent, constitute natural adjectives; and the more transitory and fugitive aspects of these objects of sense, that is to say, actions, processes and events, that are believed to take place in or through them are represented by natural verbs

> which are phenomenon words. It will be easy to see that substance-words, attribute words, and phenomenon words everywhere tend to develop most naturally into nouns, adjectives and verbs respectively.[38]

Thus, propositionality and predication may be essential characteristics of human perception and the constitution of reality. Syntactically, predication is inherent within the constituent or phrase structure rules of transformational-generative grammar--in that each grammatical sentence requires a noun and verb phrase. Further, Roger Fowler speculates that,

> Predicates fall into a number of basic semantic types which seem, interestingly, to answer closely to some fundamental distinctions in the ways human beings perceive properties, action and change in the phenomenal world: some are actions . . ., some are states . . ., some are changes of states . . . . It is possible that this semantic classification may derive from innate categories of essential human perception, and it may be universal. . . .[39]

The subject-predicate structure for human thought may, in fact, be universal. Langer concludes that, "to all speakers of Indo-European languages the classical syllogism seems to be a logic of 'natural inference,' because they speak and think in subject-predicate forms."[40] Izutsu goes one step further, contending that "far from being a peculiarity of Western thought, [predicate-subject thought] seems to be normal and universal wherever the human mind has attained a certain level of logical thinking as far, at least, as it is carried on by means of verbal symbols."[41]

To posit the universal existence of such logical thought processes, however, does not refute the criticism that ordinary actors do not argue according to logical forms or that standards of logical validity do not provide a pragmatic means for evaluating argument. But such indictments might be answered by noting that, while such logical forms do exist in deep structure, they may appear as "distorted" in surface structure because of transformational "errors" made by the presentor of justifications or by the recipient. Further, such indictments do not deny that logical predication functions as a generative rule which permits the construction of sentences and texts. The study of logic by Aristotle and others assumed certain rules for human reasoning and that those rules would manifest themselves in the expressions of natural language. However, according to George Lakoff, the "discovery and development of symbolic logic can be viewed in part as the discovery that the regularities involved in human reasoning cannot be

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stated in terms of the surface forms of sentences of natural languages."[42] The acceptance of a deep linguistic structure, based upon logical predication, provides a means for resolving the paradox of much scholarship which argues on the one hand that natural thought and expression do not conform to formal rules of relation while at the same time searching for standards of "rhetorical validity," "working or natural logics," and individual "psycho-logics."[43] As Lakoff wrote in "Linguistics and Natural Logic,"

> . . . the role of rules of grammar is not simply to separate out the grammatical from the ungrammatical sentences of English, but also to pair surface forms of sentences with their corresponding meanings, or logical forms. Thus, rules like adverb-preposing appear to have two functions: to generate the grammatical sentences, filtering out the ungrammatical sentences to their corresponding logical forms, while blocking any incorrect assignments of logical form to surface form.[44]

Most indictments of formal logic by argumentation scholars refer, either explicitly or implicitly, to the categorical or syllogistic logic arising from Aristotle or to symbolic logic. Delia's attack upon the logical fallacy and its application to enthymematic thought and discourse relied extensively upon Morris Cohen and Ernest Nagel's book, An Introduction to Logic and Scientific Method, published in 1934.[45] Willard's more recent concerns also indict "traditional explanations of the epistemic functions of argument [which] have been based upon a serial predicative view."[46] For argumentation scholars to accept the logic of Aristotle's categorical syllogism or even of that advanced by positivists only twenty years ago, as the final development of logical form is to divorce themselves from intellectual advances in other disciplines and to accept the Kantian permanence of forms. It was, in fact, failure to account for the continued development of individual symbolic forms that led Cassirer to modify Kant's notions of schema. Particularly since the introduction of transformational-generative grammaer, logicians have advanced "new" logics in attempting to discover the rules which generate natural languages. Just as logic adjusted to the anomalies created by quantum mechanics by creating a "non-standard" logic, so, too, have inductive logicians posited a number of non-traditional logics:

a. calculus of individuals
b. event logic including logic of tenses
c. pragmatist theory of rational belief
d. theory of explanation
e. theory of inductive inference as inference to the best of competing explanations
f. theory of partial belief
g. theory of epistemic consistency[47]

While such logics are not fully developed or completed, they do indicate that logical rules are being discovered and investigated which seek to explain the generation of natural languages, both sententially and textually.

Lakoff's statement that rules seek to block "incorrect assignments of logical form to surface form" has important implications for argument. It would seem much more likely to block such incorrect assignments when dealing with the traditional element of linguistic analysis, i.e., sentences, than with the more complex compilations of relations and predications found in texts and utterances. Even so, to the extent that any surface structure is a symbolic representation of the deep structure, the very nature of symbolic transformations inevitably produces distortions. As Burke notes, each symbol is necessarily a reflection, a selection and a deflection of some physical or symbolic reality.[48] Language itself, as a symbolic form, perpetuates these characteristics. The logical principles of predication permit segregation and congregation of experiences into distinct categories and, as a consequence, permit symbolic representation to build upon itself. Langer notes that this "tendency to organize the sensory field into groups and patterns of sense-data, to perceive forms rather than a flux of light impressions, seems to be inherent in our receptor apparatus. . . . But this unconscious appreciation of forms is the primitive root of all abstractions, which in turn is the keynote of rationality. . . . ."[49] It is this capacity which allows individuals to select certain aspects of their symbolic reality as appropriate to specific situations without bringing along unnecessary baggage. In other words, the rules of symbolic transformation, predicated upon logical form, provide the ability to represent the representation. Bandler and Grinder provide a useful insight:

> The Deep Structure is the fullest linguistic representation of the world, but it is not the world itself. The Deep Structure itself is derived from a fuller and richer sense. The reference for the Deep Structure is the sum total of all the client's experiences in the world. The processes which specify what happens between the Deep Structure and the Surface Structure are the three universal processes of human modeling, *the rules of representation themselves*: Generalization, Deletion and Distortion.[50]

*Generalization* is the transformation of individuated experiences to represent an entire set of experiences perceived as essentially similar. *Deletion* is a "process by which we selectively pay attention to certain dimensions of our experiences and exclude others."[51] And finally, distortion permits transformations in our interpretations of data and, by the nature of altering the deep structure through permutation, substitution and others, the surface structure is inevitably a distortion of it.[52]

Thus, while linguistic deep structure conforms closely to logical form, the symbolic transformations that permit utterances--including arguments--to occur also explain the deviations from logical expectations in surface structure. Nevertheless, the surface expression rests upon a foundation of logical form.

One final connection between logical form and language use is the assumption shared by transformational-generative grammar and the Cassirer-Langer conceptualization of symbolic form is the importance of intuition, or innate capacities for knowledge. Katz describes the transformational assumption:

> The rationalist-transformationalist theory takes the child's innate ideas about language to be the content of the universals in the (transformational) theory of grammar. That is, the child, though he cannot be assumed to know what particular language he is going to learn, can know, tacitly, that it is one of a quite restricted set of possible languages meeting the constraints imposed by these universals. Thus, he is assumed to know, innately, that the grammar of the language has the forms of a transformational grammar as given in phonological, syntactic and semantic theory, i.e., the form of the rules can be formulated, and the principles for organizing such rules into a system.[53]

While Katz posits a strong version of the theory, one might contend that these capacities for language acquisition and symbolization are the result of certain physiological evolutions. Nevertheless, both the strong and the weak versions grant the innate ability of humans to engage in symbolic action.[54]

The link to symbolization--and to logical form--is made quite clear by Langer. Intuition is, she writes,

> . . . the beginning and end of logic; all discursive reasoning would be frustrated without it. The simple concatenation of propositions known as "syllogism" is only a device to lead a person from one intuition to another. Anyone who, convinced that all men are mortal and even granting that Socrates is a man, still does not recognize that therefore Socrates is a mortal, is devoid of logical understanding because he does not respond with normal intuition at every

> station of the discourse. Even at a lower level rationality would fail if intuition did not duly take place: if that astonishingly ungifted person knew the meanings of all the words: "Socrates," "man," "is," and "a," but failed to understand the meaning of "Socrates is a man" because the order of the words did not wield their sense into a single concept for him, he could not even get as far as the "therefore" hurdle . . . but when the syntactical signs (inflections, verb forms) as well as the denotations of all the words are really understood, the sentence-meaning suddenly emerges. That emergence of meaning is always a logical intuition or insight. All discourse aims at building up, cumulatively, more and more complex logical intuitions.[55]

It is intuition, or innate capacities, which provide for the emergence of symbolic forms and the logical rules of symbolization which generate increasingly complex, logical and analytical symbolic forms--like argument.

The result of this analysis is that standards of "validity" for argument still must rest in the nature of argument itself and in the intersubjective world of social actors. But, importantly, the nature of argument itself is permeated with and is generated by logical rules. Further, the intersubjective world of social actors can only be constituted or generated via symbolic forms which are themselves the products of logical relations. This defense of logic's application to argument nevertheless posits a different perspective than that traditionally associated with this relation. Critics of formal logics are probably correct in their contention that the requirements for a valid categorical syllogism are inappropriate for evaluating argument; but the perspective advanced here is that logical form, rather than providing criteria for evaluation, becomes the mechanism through which argument is created and evaluated. Logical form thus provides the rules by which those to whom arguments are addressed interpret and construct meanings for them. The evaluation of argument ultimately rests upon the extent to which an advanced claim is justified or, in other words, the extent to which presupposed social knowledge, the claim advanced and the justifications provided cohere into a unified and "true" explanation.[56] It is, nevertheless, logical rules which permit the process to occur.

## A Critical Perspective Toward Argument

As approaches toward argument differentiate between product, process and procedure, questions arise about the most appropriate means for studying argument and creating well-formed theory. Students of argument have traditionally focused upon verbal expressions of advocates, a practice characterized by some as dealing with argument as "thing."[57] With a growing appreciation of the interaction which exists between arguers, some maintain that the focus should shift from the product to the perspectives of the interactants. Willard, for example, writes that,

> The constructivist/interactionist view holds that *words* people use are more often than not only the barest symptoms of the more complex and fundamental processes which produce them. Kelly's stress upon nonverbal aspects of constructs . . . forces the student of argument to focus upon the personal perspectives of actors rather than the things they say.[58]

Although not explicitly stated, Willard does seem to imply a distinction between studying the message--or argument as product--and focusing upon the processes by which actors create and interpret these messages; and seems, further, to indicate that one can somehow gain insights into such processes by means more profitable than the "words" used or the "things" said.

I agree with the position that surface messages encountered in the phenomenal world *are* "only the barest symptoms of the more complex and fundamental processes which produce them"--equating those processes with deep structure, but this does not mean that symbolic creations should not remain the appropriate focus of attention. After all, the procedure of argument outlined by Wenzel is designed to subject the product of argument to greater scrutiny. Similarly, it is only through the linguistic artifact of the argumentative utterance that interaction can occur. The product of an actor's mental creativity thus becomes the means by which one gains access to the mind of another.

It would appear, then, that the student of argument should focus attention upon the product in order to discern the unique qualities of that interaction characterized by the giving and testing of reasons and to make inferences about the personal perspectives of those involved in the argumentative process. We are, after all, concerned with the analysis of discourse uttered to perform a particular symbolic function. Like other attempts to better understand linguistic acts, detailed analysis of arguments provides the means by which broader insights can be gained. Detailed descriptions of conversations, transcripts, audio and video recordings and the like indicate to conversational analysts the "way that language is used in the description provides clues to the way people conceptualize and interpret the original (fragment of the) episode."[59] Similarly, Roger Fowler contends that linguistic analysis is appropriate for texts:

> . . . if we conceive of linguistics not just as a device for formalistic analysis capable only of tracing the outline, texture and contours of a text, but as a mode of analysis which can suggest interpretations of structural form. Choices of words and sentence-types possess conventional reverberations, associations, for members of a reading community. If we employ a linguistics which is sensitive to these community associations of language (a linguistics which treats the sociological and psychological aspects of language), we can begin to interpret a writer's linguistic structure in relation to the values and preoccupations of the community for which he writes.[60]

At this point the student of argument creates a critique of a particular symbolic creation in Black's sense of "apprehending it, examining it, coming to understand it, placing it into history."[61]

In many ways, contemporary scholarship in argument--as evidenced by the investigation at this conference--is making significant strides in better understanding the phenomenon. But I would urge each of us to bear in mind Leonard Hawes' admonition to the discipline of speech communication that we "engage in basic descriptive and interpretational work before we know what, if anything, needs theoretical accounting."[62] He continues:

> Communication has never gone through the phase of systematically observing, describing and interpreting all manner of human communicative activity. During the three or so generations we have been training social and behavioral scientists, few have been trained to observe, describe, and interpret; most have been trained to experiment. But now concern is being expressed about the questions we ask and the variables we manipulate and control. . . . Perhaps, so goes the thinking, the problem is a confusion over which mold we ought to cast our theories into. On the contrary, I think the problem is insufficient description and interpretation of the communicative activity our theories are supposed to explain.[63]

While scholastic ethnocentrism would lead me to submit that students of rhetoric and argument are better trained in description and observation than our more empirically-oriented colleagues, I do believe that the theme of Hawes' comment is equally applicable to argumentation.[64] Only within the past few years have scholars--frequently under the stimulation of such inter-disciplinary thinkers as Toulmin, Perelman and others--begun to reexamine the assumptions upon which the study of argument was based. As this re-examination occurred, additional issues arose concerning standards of validity, whether argument is process, product or procedure--or something else, whether quarrels or shouting-matches are legitimately classified as argument. Only by extensive descriptive and interpretive scholarship can such issues be resolved.

One possible approach would be to engage in "generic criticism" to discover what are the fundamental patterns of argumentative discourse. Ruth Ann Clark and Jesse Delia noted recently that one approach to "help uncover both the lines of inference and communicative strategies" is "akin to what has been labeled rhetorical genre criticism":

> The method here is to select existing illustrations of one objective of communication [such as providing justification?] and to attempt to determine the underlying strategies and common themes of inference typical of this form. One crucial feature of such an approach, however, is that the genre itself must be defined by a specific rhetorical objective rather than by an occasion or setting.[65]

A similar perspective is indicated by Fowler although he recognizes the importance of recurring situational exigencies: ". . . contexts of situation are not unique and fortuitous . . . but recurrent and classifiable according to a few simple variables recognized as significant within a culture. And a certain _type_ of speech event requires a conventional _type_ of linguistic behavior."[66] Specific contexts of situation would appear to make certain communication objectives--or functions--more appropriate than others.

Delia and Clark also recommend that researchers rely upon another approach to the analysis of discourse, one which seems particularly appropriate given the position advanced in this paper. This approach utilizes investigatory methods common in linguistics:

> Rather than focusing on strategies, they concentrate on identifying the alternative ways of articulating the same fundamental speech act. For instance, Ervin-Tripp has specified five forms an imperative

> may take: (1) interrogative ("Gotta match"), (2) imperative ("Gimme a match"), (3) imbedded imperative ("Could you gimme me [sic] a match"), (4) statement of need or desire ("I need a match"), and (5) statement of external condition ("There aren't any matches here") . . . It should be possible to begin with alternative modes of expressing a speech act, and to specify the kinds of inferences a message recipient is likely to make from each.[67]

A similar conclusion is reached by M. A. K. Halliday. He notes that such variations may at first appear to be little more than alternative ways of saying the same thing, "But it is very likely that on closer inspection they will be found to represent more delicate (though perhaps still significant) options in the meaning potential."[68]

This emphasis upon the text does not mean that extrinsic factors are unimportant. As indicated previously, text/utterances are the manifestations of an actor's choices in responding to situational exigencies.[69] The personal perspective of the actors is also important in that their construals and shared knowledge are important in attributing meaning. At the same time, however, the text provides one means of inferring construal processes and interpretations of knowledge. In sum, the approach indicated for gathering the data by which argument as process, product or procedure may be described is similar to the first two stages of criticism outlined by Karlyn Campbell--those of description, concentrating upon the text, and interpretation, considering the influence upon text of extrinsic factors.[70]

One other caveat should be mentioned and concerns the selection of objects for criticism. Until the beast is better known, I would urge that investigations of argument center upon those items which are clearly identifiable as providing support or justification for claims advanced. It may, in truth, turn out that argument can acquire presentational form or that nonverbal behavior can provide justification or representation. But to concentrate energies upon phenomena which are intuitively borderline is to run the risk that characteristics may be included as belonging to the giving of reasons in specific situations which are not essential to such activity and which might, in fact, obscure those which are. This is not to suggest that investigations consider only those justifications advanced by erudite and sophisticated social actors. To fully describe argumentative discourse requires that examples be investigated from many contexts and employed by many different actors but the most effective use of time and intellect would seem to dictate concentration upon clear instances of argument.

In issuing this appeal for descriptive investigations of argument, I do not mean to imply that any "objective" results will be obtained untainted by theoretical influence and researcher bias. As Nofsinger succinctly noted in 1977, "Descriptive, qualitative research will, of course, be guided by some theoretical paradigm (explicit or tacit) which helps the investigator decide what to observe, what to describe, what to say about it, and so on."[71] But until such time as sufficient descriptions have been generated, forays into argumentation theory will remain at the level of speculation.

Nor should this position be interpreted as implying that the efforts of argumentation theorists and critics have been of no significance. It would appear, in fact, that recent insights are moving in this direction. McKerrow's distinctions between social, philosophical and personal communities of argument, Wenzel's investigations into the rhetorical, dialectical and logical perspectives and Willard's work on argument construction all represent significant advances toward this description of argument and, ultimately, toward the formation of a theory of argument at once consistent with a broader conceptualization of rhetoric/communication but which provides insightful explanations about the unique symbolic function of argument.

## Conclusion

As stated earlier, this paper has been admittedly speculative. It exists, in part, as a reaction to some of the theoretical constructions of argument which have been advanced in recent years and, in part, as an attempt to provide explanations which resolve some of the areas in dispute in argumentation theory. Argument has been characterized here as performing a unique symbolic function--that of providing justification for belief and acceptance of claims--which is grounded in language. As such, the aspects of argument which derive from symbolization and linguistic usage have received greatest emphasis. The logic of symbolic form and the rules of transformational-generative grammar have been described as means by which argument and argumentative interactions are brought into phenomenal existence.

At the same time, however, such logical and linguistic rules do not result in a deterministic view of communication in general or of argument in particular. Rather, it is this perspective which seems to maximize the potential for argumentative opportunities. As Young, Becker and Pike observed, the creation of text "involves making a multitude of linguistic choices and . . . these choices are affected by both the linguistic and extralinguistic context in which they are made--by what might be called the writer's universe of discourse."[72] And from this universe of discourse the actor in search of justifications begins the quest.

## FOOTNOTES

[1] See, for example, Daniel J. O'Keefe, "Two Concepts of Argument," *Journal of the American Forensic Association*, 13, 3 (Winter 1977), pp. 121-128; Wayne Brockriede, "Where is Argument?", *Journal of the American Forensic Association*, 11 (1975), pp. 179-182; Wayne Brockriede, "Rhetorical Criticism as Argument," *Quarterly Journal of Speech*, 50 (1974), pp. 165-174; Wayne Brockriede, "Characteristics of Arguments and Arguing," *Journal of the American Forensic Association*, 13 (1977), pp. 129-132; Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," *Communication Monographs*, 43 (1976), pp. 308-319; Charles Arthur Willard, "Argument as Non-Discursive Symbolism," *Journal of the American Forensic Association*, 14 (1978), pp. 187-193; Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," *Journal of the American Forensic Association*, 14 (1978), pp. 121-140; Charles Arthur Willard, "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructivist/Interactionist Point of View," *Journal of the American Forensic Association*, 15 (1979), pp. 169-191; Joseph W. Wenzel, "Toward a Rationale for Value-Centered Argument," *Journal of the American Forensic Association*, 13 (1977), pp. 150-158; Joseph W. Wenzel, "Perspectives on Argument," Paper presented at SCA/AFA Summer Conference on Argumentation, Rustler's Lodge, Alta, Utah, July 1979; Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," *Journal of the American Forensic Association*, 15 (1979), pp. 137-147.

[2] Northrop Frye, *Anatomy of Criticism* (Princeton: Princeton University Press, 1957), p. 93ff.

[3] Kenneth Burke, *Dramatism and Development* (Barre, Mass: Clark University Press with Barre Publishers, 1972), pp. 35-36.

[4] Willard, "Reformulation of the Concept of Argument," p. 121.

[5] Willard, "Argument as Non-Discursive Symbolism," p. 190. Emphasis added.

[6] Ernst Cassirer, An Essay On Man (New Haven: Yale University Press, 1962), pp. 37-68. Yale Paperbound Edition.

[7] Ch. Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation, (Notre Dame: University of Notre Dame Press, 1969), pp. 209-210; Stephen Edelston Toulmin, The Uses of Argument, (Cambridge: Cambridge University Press, 1958); Ray E. McKerrow, "Rhetorical Validity: An Analysis of Three Perspectives on the Justification of Rhetorical Argument," Journal of the American Forensic Association, 13 (1977), p. 135.

[8] Susanne Langer, Mind: An Essay on Human Feelings, Volume 1, (Baltimore: Johns Hopkins University Press, 1967), pp. 84-85.

[9] Carl Hamburg, "Cassirer's Conception of Philosophy," in The Philosophy of Ernst Cassirer, edited by Paul Arthur Schilpp (LaSalle, IL: Open Court Publishing Company, 1949), p. 78. Open Court Paperback Edition, 1973. Emphasis added.

[10] Roger Fowler, Understanding Language, (London: Routledge and Kegan Paul, 1974), p. 81.

[11] Langer, Mind, pp. 84-85.

[12] Perelman, p. 47.

[13] Willard, "Argument as Non-Discursive Symbolism," Epistemic Functions of Argument." It is important to note that Professor Willard relies extensively for his interpretation of discursive and non-discursive forms upon the writings of Susanne Langer.

[13a] Langer distinguishes between discursive and non-discursive, or presentational forms in several respects. The following statements are taken from Philosophy In A New Key: A Study in The Symbolism of Reason, Rite and Art (New York: The New American Library, 1951), 2nd Ed.: ". . . verbal symbolism, unlike the non-discursive kinds, has primarily a general reference. Only convention can assign a proper name--and then there is no way of preventing some other convention from assigning the same proper name to a different individual." (pp. 88-89). "In the non-discursive mode that speaks directly to sense, however, there is no intrinsic generality. It is first and

foremost a direct presentation of an individual object." (p. 89). "Language in the strict sense is essentially discursive; it has permanent units of meaning which are combinable into larger units; it has fixed equivalences that make definition and translation possible; its connotations are general, so that it requires non-verbal acts, like pointing, looking, or emphatic voice-inflections to assign specific denotations to its terms. In all these salient characters it differs from wordless symbolism, which is non-discursive and untranslatable, does not allow of definitions within its own system, and cannot directly convey generalities. The meanings given through language are successively understood, and gathered into a whole by the process called discourse; the meanings of all other symbolic elements that compose a larger, articulate symbol are understood only through the meaning of the whole, through their relations within the total structure. Their very functioning as symbols depends on the fact that they are involved in a simultaneous, integral presentation. This kind of semantic may be called "presentational symbolism," to characterize its essential distinction from discursive symbolism, or 'language' proper." (p. 89). For a more complete understanding of Langer's distinction, please see Chapter 4, "Discursive and Presentational Forms," p. 75ff.

[14] Willard, "Argument as Non-Discursive Symbolism," "Epistemic Functions of Argument," See particularly "Epistemic Functions," p. 187.

[15] Willard, "A Reformulation of the Concept of Argument," p. 129.

[16] Langer, Philosophy In A New Key, p. 220.

[17] *Ibid.*, p. 220.

[18] Langer, Feeling and Form: A Theory of Art Developed from Philosophy In A New Key (New York: Charles Scribner's Sons, 1953), p. 406.

[19] *Ibid.*, p. 380.

[20] Langer, Philosophy In A New Key, p. 77.

[21] Jürgen Habermas, Communication and the Evolution of Society, trans. by Thomas McCarthy, (Boston: Beacon Press, 1979), p. 37.

[22] Langer, *Philosophy In A New Key*, p. 238.

[23] *Ibid.*, p. 238.

[24] Noam Chomsky's seminal *Syntactic Structures* was first published in 1957. (The Hague: Mouton).

[25] Julia S. Falk, *Linguistics and Language* (Lexington, Mass: Xerox College Publishing, 1973), p. 152ff.

[26] Ronald Wardaugh, *Introduction to Linguistics*, (New York: McGraw Hill, Inc., 1972), p. 93.

[27] *Ibid.*, p. 121.

[28] Richard Bandler and John Grinder, *The Structure of Magic: A Book About Language and Therapy*, *Volume I*, (Palo Alto: Science and Behavior Books, Inc., 1975), p. 28.

[29] *Ibid.*, pp. 25-27.

[30] Bandler and Grinder, p. 32.

[31] Diane D. Bornstein, *An Introduction to Transformational Grammar* (Cambridge: Winthrop Publishers, Inc., 1977). p. 28.

[32] Teun A. van Dijk, "Models for Text Grammars," in *Logic, Language, and Probability*, edited by Rade J. Bogdan and Ilkka Niiniluoto (Dordrecht-Holland: D. Reidel Publishing Company, 1973), p. 147.

[33] See Roger Fowler, "Cohesive, Progressive, and Localizing Aspects of Text Structure," in *Grammars and Description*, edited by Teun A. van Dijk and Petofi (Berlin: Walter de Gruyter, 1977), pp. 69-70. Also see M. A. K. Halliday, "Text as Semantic Choice in Social Contexts," in *Grammars and Description*, p. 176ff.

[34] Teun A. van Dijk, *Some Aspects of Text Grammars: A Study in Theoretical Linguistics and Poetics*, (The Hague: Mouton, 1972), p. 17.

[35] Roger Fowler, *Linguistics and the Novel* (London: Methuen & Company, Ltd., 1977), p. 10.

[36] van Dijk, *Some Aspects of Text Grammars*, p. 212.

[37] For representative indictments of such formal logics, see the following: Ray Lynn Anderson and C. David Mortensen, "Logic and Marketplace Argumentation, *The Quarterly Journal of Speech*, 53 (1967), p. 143; Jesse G. Delia, "The Logic Fallacy, Cognitive Theory, and the Enthymeme: A Search for the Foundations of Reasoned Discourse," *Quarterly Journal of Speech*, 56 (1970), pp. 140-148; Willard, "Epistemic Functions of Argument."

[38] Toshihiko Izutsu, *Language and Magic: Studies in the Magical Function of Speech*, Volume I in the Keio University Studies in the Humanities and Social Relations (Tokyo: Keio Institute of Philological Studies, 1956), pp. 94-95.

[39] Fowler, *Linguistics and the Novel*, pp. 13-14.

[40] Susanne Langer, *Mind: An Essay on Human Feelings*, Volume 2 (Baltimore: Johns Hopkins University Press, 1972), p. 319.

[41] Izutsu, p. 96. It is interesting to note that Izutsu specifically refutes Stuart Chase's contention that ancient Chinese lacked subject-predicate structure.

[42] George Lakoff, "Linguistics and Natural Logic," in *Semantics of Natural Language*, edited by Donald Davidson and Gilbert Harman, 2nd Ed. (Dordrecht-Holland: D. Reidel Publishing Company, 1972), p. 646.

[43] See for example, McKerrow and Delia among others.

[44] Lakoff, pp. 548-549.

[45] Delia, "Logic Fallacy," p. 140ff. Reference is to Morris R. Cohen and Ernest Nagel, *An Introduction to Logic and Scientific Method* (New York: 1934).

[46] Willard, "Epistemic Functions of Argument," p. 169.

[47] The non-standard logic "in question is the one devised by Lukascivicz and subsequently used by Reichenback to 'dissolve' the anamolies of quantum mechanics. The main feature of such logic is its employment of a third value, indeterminate, in addition to those of truth and falsity." David E. Cooper, "Alternative Logic in 'Primitive Thought,'" *Man*, New Series, 10, 2 (June 1975), p. 238. See also R. E. B. Atkinson, "In Support of a Rationalist Approach to Linguistics,"

*Linguistics*, 196 (1977), pp. 49-56. In regards to the non-traditional logics, the "calculus of individuals" is "concerned primarily with such relations between individuals as discreteness, overlapping, part-to-whole, etc." and "event logic" is a special ontology for events in which the "calculus of individuals is used to help gain what appears to be a suitable linguistic framework for talk of events, physical objects, and their interrelations." Richard Martin, "On Ziff's 'Natural and Formal Languages,'" in *Language and Philosophy*, Sidney Hook, editor, (New York: New York University Press, 1969), pp. 259-260. Martin's conclusion is that "logical form surely has a great deal to do with the depth grammar of natural language. Perhaps even the depth grammar of a sentence is its logical form. . . ." (p. 261). The logics of "c." through "g." are described in Rudolf P. Botha with the collaboration of Walter K. Winckler, *The Justification of Linguistic Hypotheses* (The Hague: Mouton, 1973): Each subtype of inductive argument is defined by the special type of logical relation which is supposed to exist between the premisses and the conclusion. This set of logical relations--collectively referred to as 'evidential support'--includes: a relation of truth, a relation of probability, a relation of 'believability' or 'credibility', a relation of indication, a relation of sustenance, and two relations of explanation differing in their directionality." (p. 63). Botha also notes that, "The second structural component incorporated in at least some models of inductive logic is a set of criteria for or conditions on evidence. These diverse types of conditions on evidence have the general function of regulating the membership of the set of statements which--as premisses--may properly constitute the evidence in inductive arguments." (p. 63).

It should also be noted that Botha finds these logics "constructed for artificial languages and none of them is sufficiently complex and sophisticated to accommodate the logic of empirical science." (p. 65). Such limitations should not--at the present time--preclude argumentation students from exploring the potential value that insights from such logics can offer in explaining the relations which exist in argumentative discourse or their potential as argument-generating rules.

[48] Kenneth Burke, *Language as Symbolic Action: Essays on Life, Literature, and Method* (Berkeley: University of California Press, 1966), pp. 369-370.

[49] Langer, *Philosophy In A New Key*, p. 83.

[50] Bandler and Grinder, p. 158.

[51] *Ibid.*, p. 15.

[52] *Ibid.*, p. 16.

[53] Jerrold K. Katz, *The Underlying Reality of Language* (New York: Harper Torchbooks, 1971), p. 140.

[54] Even Chomsky seems to grant that the capacities are determined or permitted by neurophysiological factors: "I don't see anything shocking in that proposition [i.e., that the structure of the brain is determined a priori by the genetic code, and that the brain is programmed to analyze experience and to construct knowledge out of that experience]. In physiology no one has ever accepted anything analogous to empiricist dogma with regard to the mind. No one finds it outlandish to ask the question: What genetic information accounts for the growth of arms instead of wings? Why should it be shocking to raise similar questions with regard to the brain and mental faculties?' Noam Chomsky, *Language and Responsibility: Based on Conversations with Mitsou Ronat*, trans. from French by John Viertel (New York: Pantheon Books, 1977), p. 84.

[55] Langer, *Feeling and Form*, pp. 378-379.

[56] See, for example, Keith Lehrer, "Justification, Explanation and Induction," in *Induction, Acceptance and Rational Belief*, edited by Marshall Swain (Dordrecht-Holland: D. Reidel Publishing Company, 1970), p. 100ff.

[57] See Willard, "Epistemic Functions of Argument," p. 169.

[58] *Ibid.*, pp. 179-180.

[59] Robert E. Nofsinger, Jr., "A Peek at Conversational Analysis," *Communication Quarterly*, 25 (1977), p. 17.

[60] Fowler, *Linguistics and the Novel*, p. 4.

[61] Edwin Black, *Rhetorical Criticism: A Study in Method* (Madison: The University of Wisconsin Press, 1978), p. xiv. Revised edition of the book initially published by MacMillan Company, 1965.

[62] Leonard C. Hawes, "Alternative Theoretical Bases: Toward a Presuppositional Critique," Communication Quarterly, 25 (1977), p. 63.

[63] *Ibid*., p. 64.

[64] Some indications exist that Nofsinger, at least, recognizes the contributions of rhetoric and public address scholars. Nofsinger, p. 13.

[65] Ruth Ann Clark and Jesse G. Delia, "*Topoi* and Rhetorical Competence," *Quarterly Journal of Speech*, 65 (1979), p. 203.

[66] Fowler, *Understanding Language*, p. 224.

[67] Clark and Delia, p. 204.

[68] M. A. K. Halliday, *Explorations in the Functions of Language* (New York: Elsevier, 1973), p. 50.

[69] It should also be noted that the text/utterance is the linguistic means of establishing relationships with the situation. See Halliday, "Text as Semantic Choice."

[70] Karlyn Kohrs Campbell, *Critiques of Contemporary Rhetoric* (Belmont, CA: Wadsworth Publishing Co., Inc., 1972), Chapters 1, 2 and 3.

[71] Nofsinger, p. 14.

[72] Richard E. Young, Alton L. Becker and Kenneth L. Pike, *Rhetoric: Discovery and Change* (New York: Harcourt, Brace and World, Inc., 1970), p. 301.

# ARGUMENT COMMUNITIES: A QUEST FOR DISTINCTIONS

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> Philosophical argumentation is not the only variety of argumentation. The very problem of the typology of argumentation is one of the important questions in the theory of argumentation.[1]

One of the central problems in argument theory concerns the distinction between argument as process and as product.[2] In the former sense, there is a tacit assumption that arguments exist only in particular environments and that the conditions for such environments can be specified. In the latter sense, there is a tacit assumption that arguments possess definable structures, and that the methods of creating and testing such structures can be discerned and applied. At the risk of oversimplifying complex differences, the disparity between existing descriptions of argument's nature can be accounted for by the tendency to view argument as either process or as product. Even though the two are not necessarily mutually exclusive, they often appear to be essentially antithetical descriptions of argument. G. A. Brutain, for example, defines philosophical argument as "a system of methods, devices and means."[3] Henry W. Johnstone, on the other hand, concentrates attention on the preconditions for the existence of arguments.[4] Charles Kneupper's disagreement with Charles Willard, to cite an additional example, also can be reduced to the dichotomy between argument as process and argument as product.[5]

An underlying assumption of this essay is that the opposition between process and product views of argument creates unnecessary difficulties in the creation of theory. In moving from one "variety" of argument type to another, as suggested by the headnote to this essay, the relative importance of conceptualizing argument in process or product terms may necessarily shift. As such changes occur, there is a corresponding alteration in the applicability of theoretical explanations which seek to account for argument's nature in a particular context. A corollary assumption, implicit in the foregoing, is that there are multiple "theories," with each having potentially greater explanatory power in one domain or area than in others.

The final assumption central to this essay is that all theoretical descriptions apply to argument in the context of controversy. Even at the most elemental product level of "reason plus claim," an argument implies the potential existence of an equally weighty counter argument. In the absence of this sense of the problematical, argument ceases to possess any theoretical interest beyond the labeling of pristine forms expressing certain or absolutely known contents.

With these assumptions as a basis, this essay addresses the problems posed by the differing perceptions of process and of product. However, instead of approaching the problems in terms of a review of specific theories, I shall focus attention on a typology of argument communities. The discussion of similarities and differences between and among three communities--social, philosophical, and personal--will highlight the roles of process and product perspectives as theoretical accounts of each communities use of argument.

## Argument in the Social Community

The first community to be examined is that of social argument. Although the phrase "public argument" would seem more appropriate, the reference to social is intended to convey the "collective" or "societal" nature of argument addressed to persons in this community. In addition, the term avoids the possible confusions with the sense in which arguments in the personal community may possess a "public" nature.

Social arguments are audience oriented: particular serial predictions owe their existence and often their shape to the stance one takes toward an identifiable audience. To paraphrase Karl Mannheim's discussion of collective or social thought, social argument "constitutes a complex which cannot be readily detached either from the psychological roots of the emotional and vital impulses which underlie it or from the situation in which it arises and which it seeks to solve."[6] Thus, argument is more than a series of isolateable forms, identifiable as to type and potential effects. For example, social argument typified by the phrase "Cold War" cannot be perceived simply as an instance of particular individuals addressing mass audiences at finite moments in time; nor can it be perceived as a cacophany of sounds, ultimately identifiable as "arguments from justice" or as "non-sequiturs." The significance of the Cold War argument lies in the fact that it is complex; its parts cannot be isolated and dissected without losing a sense of their original force upon the collective consciousness of Americans. As legitimate leaders, individuals such as Truman, Kennedy, Johnson and Nixon, have had the "ear" of the "people."[7] Each could, and did, generate arguments based on a societal understanding of America's mission in the world, of our emotional involvement with and sense of

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obligation to honor that mission. Social argument involves and uses as its motivating force the accepted modes of thinking within a culture to promote socially defined ends.

Social argument differs substantially from argument in other communities in its emphasis on an identification with the collective consciousness of the audience. Nixon's November 3, 1969, speech on Vietnam is one example. Designed to appeal to America's sense of honor on the battlefield, it was an irresponsible rhetoric which effectuated a division within the populace by pitting an "old" consciousness against a "new" emerging collective attitude towards America's destiny.[8] Peter Rodino's and Barbara Jordan's impeachment addresses are additional examples of rhetoric aimed at the collective consciousness of the "people."[9]

From a process perspective, argument in the social community is premised on socially defined norms, transcending the personal lives of individuals. The preconditions for argument are, in the general sense, the same as those for other types of discourse. Jurgen Habermas' criteria for communicative competence are suggestive of the kinds of "rules" which govern the acceptability of particular addresses.[10] While such "rules" are idealized abstractions for "perfect communication," there is at least a tacit acceptance of their potency in directing speakers to address audiences in a truthful, comprehensible, and sincere manner. What counts as "truth," however, is determined by the social community, and not by some external standard of truthfulness. In this manner, the truths that are uttered by a Nixon, a Rodino, or a Jordan may be no more than the accepted myths of the prevailing ideology. Furthermore, the employment of such arguments, in accordance with the linguistic constraints imposed, are risk-provoking only in the sense that any linguistic act is a revelation of self.

The risk-provoking sense of such arguments does not entail a person-building attribute accompanying all attempts at argument. While Nixon's abuse of linguistic conventions of truthfulness and sincerity may be taken as evidence of his negation of my person, his proper use of these and other preconditions for the conduct of argument (or any other discourse, for that matter) do not elevate us to any new or refined sense of personal relationship. The conventions are shared intersubjectively with the community, but are objectified in such a way that they no longer have much impact on any level of interaction remotely near that envisaged by an I-Thou encounter. There is self-risk, but it is controlled by the normative influences of the social conventions governing the act of arguing. To say that arguers in this community are not lovers is not to decry their efforts, not is it to consider them as "second-class" arguers. On the contrary, it is simply to affirm that such allusions are inappropriate in this community.[11]

The stock of argument forms commonly employed in social argument may be characterized as less formal than those utilized in the philosophical community. While the basic element of "reason plus claim" is the same in both arenas, the standards governing the relationship between reasons and claims differ radically. Perelman and Olbrecht-Tyteca's treatment of quasilogical arguments such as incompatibility exemplifies the difference between social and philosophical argument.[12] In addition, social argument employs forms which are considered fallacious in the philosophical community. Michael C. McGee has illustrated the rhetorical efficiacy of ad hominem and ad populum arguments in the social community.[13] Doubtless, a case could be made for the potency of appeals to authority and other argument forms traditionally dismissed as ineffective because formally flawed. Finally, as McGuire's research has suggested, the social community is much less rigorous in its evaluation of the relationship between reasons and claims.[14] If the conclusion is acceptable or believable, the audience is more likely to ignore formal flaws in the reasoning which has been used to advance the claim.

The roles of process and product are integrated in the function of argument within the social community. In the absence of sufficient data to know (in the analytic sense of that term) whether a certain action should be undertaken, argument in the social community seeks to justify belief and action. Given its relationship to the cultural consciousness of the community, "truths" that are held by the membership are verified through argumentation. Here, "truths" are not perceived as entities verifiable by recourse to external standards, but rather as the aggregate of beliefs adhered to by the populace.

Thus, social argument is characterized by virtue of its appeal to the consciousness of the community, its adherence to socially defined linguistic conventions which, in their normal operation, are shared intersubjectively but do not necessarily confer personhood on the other in the interchange, its appropriation of rhetorically efficacious forms, and its function of justifying belief and action and of verifying the "truths" of the community.

## Argument in the Philosophic Community

There is a particularly revealing remark about the nature of philosophical argument in R. Hare's discussion of "philosophizing" at Oxford. The atmosphere he illuminates in the following passage is one of Socratic probing: refining statements so as to produce clarity, and then adducing the "logicality" of the position:

> Philosophical arguments, conducted in the way that I have described, have the same sort of objectivity that chess games have. If you are beaten at chess, you are beaten, and it is not to be concealed by any show of words; and in a philosophical discussion of this sort, provided that an unambiguously stated thesis is put forward, objective refutation is possible. Indeed, the whole object of our philosophical training is to teach us to put our thesis in a form in which they can be submitted to this test. Ambiguities and evasions and rhetoric, however uplifting, are regarded as the mark of a philosopher who has not learnt his craft; we prefer professional competence to a superficial brilliance.[15]

Although Hare uses "rhetoric" in a much narrower, and more pejorative, sense than is implied by contemporary rhetoricians, the comments create the picture of an objective, rational process which focuses primary attention on the language used to express reasons and claims, and on the relationship between these elemental properties of an argument. Language, or "rhetorical flourishes" which mask meaning impede the progress of the search for logical consistency.

In this context, philosophically powerful arguments are distinguishable from rhetorically persuasive arguments. As Gilbert Ryle puts the distinction: "On the whole, Plato is rhetorically more efficient than Aristotle, but we can distinguish the question whether a certain argument of Aristotle is more or less powerful than a corresponding argument of Plato from the question whether the presentation of the one is more or less persuasive than the other."[16] Power, in Ryle's sense, derives from the "boundary setting" function of arguments: it aims not at a collective conscious nor even an individual person, but instead at what the community regards as an appropriate external standard. The community defines what constitutes reasonable deductions from "logical types" in accordance with the dictates of the standards or criteria governing "efficient" or unambiguous statements. The concern for words, at least among linguistic philosophers, is exemplified in an approach to the topic of pleasure. Plato suggests that the enjoyment we derive from eating is the same as that which we obtain from drinking: we are merely moving from one "state" to another. Aristotle objects to the equivalency implicit in Plato's analysis: if enjoying were a process of moving from "state" to "state," a person could begin a process but not complete it, as in starting a meal and not finishing it. Enjoyment, however, exists for a finite time: it cannot be fractionalized, hence you cannot equate "dining" with "enjoying"--the terms do not belong to the same logical type.

In this fashion, Aristotle objectively refutes the argument presented by Plato. His concern is not for a cultural analysis, nor even for Plato as an individual. Instead, his concern is properly focused on the implications deriving from the use of particular words, arranged in a particular order.[17]

Obviously, Ryle's choice of logical typing as the principal task of the philosopher is only one of many possible modes of "doing philosophy." What is central to his approach also is common to all others: "arguments are effective as weapons only if they are logically cogent, and if they are so they reveal connexions, the disclosure of which is not the less necessary to the discovery of truth for being also handy in the discomfiture of opponents."[18] The arguments Ryle is concerned with are neither drawn from experience nor from axioms. Thus, although philosophical argument shares the sense of the problematical with other communities, the content and form of the "problem" and its disposition are quite different. Discovery of "truth" as a philosophical enterprise takes precedence over the destruction of an opponent's position.

When used in refutation, the field of argument forms available to the philosopher is much narrower, as all *ad rem* arguments lack the logical efficacy of either *argumentum ad hominem* (in Johnstone's sense) and *reductio ad absurdum* (in Ryle's sense).[19] Because they are derived from experience, the former cannot be used in any manner other than establishing an alternative view--they do not, in and of themselves, act to destroy a position. The latter, on the other hand, concentrate on an internal analysis, and are not dependent on the "facts" of experience for their logical potency. Both seek to illustrate logical contradictions entailed by the acceptance of a position.

Tacitly accepting the same constraints on the environment for argument that were imposed by Hare and Ryle, Johnstone broadens the analysis of process to question the very possibility of argument in the philosophical community. Johnstone resolves the difficulties posed by the dilemma he constructs by hypothesizing the existence of the "self" as the locus of controversy: the "self" is empowered to both embrace a philosophical position and to recognize the existence of its opposite. The strength of arguments is monitored through the agency of the self, thereby protecting the normative standards of the community from abuse.[20] The precondition for *ad hominem* argument is the emergence of the self as the pivot on which controversy turns.

Thus far, argument in the philosophic community has been characterized by its adherence to an environment in which arguments can be analyzed for their consistency, its objective appraisal of argument as product, its emphasis on the discovery of truth, its employment of internal argument forms (ad hominem or reductio ad absurdum), and the role of the self as the agency through which the argument is conducted. Because argument in this community is neither experiential nor axiomatic, it focuses on abstractions rather than on concrete public policies and values (which are products of experience). Since the focus is on neither the cultural milieu nor the advocate, the commitment an arguer makes or the risk he or she assumes differs from that assumed in other communities. The arguers agree to express themselves in accordance with the linguistic conventions of their community: while their agreement amounts to intersubjectively shared perceptions of what constitutes appropriate argument, their conduct of argument does little to advance relationships beyond the norms defined by the community. These arguers respect for the other is aimed at that person's use of clear language and logical reasoning; argument as process merges with argument as product insofar as both of these standards are met by the persons involved. While each is willing to risk a philosophical position, the risk is premised on rigid standards of what constitutes a "reason for change."

A final question deserves attention: are arguments in the philosophical community rhetorical? The most recent statement by Johnstone regarding his journey "from philosophy to rhetoric and back" is instructive: "To be human, then, is to practice rhetoric. . . . It has long been acknowledged that one person can use rhetoric to call the attention of another to conditions of which he had been unconscious. It is no more than a natural extension of the use of the term to apply it to situations in which the person makes himself attend to data. This reflexive rhetoric must occur wherever consciousness occurs. If philosophers are conscious, they must engage in rhetoric that is at least self-directed."[21] In Johnstone's view, there is a "rhetorical vector" attendant to all dialogue within the philosophical community: rhetoric serves to evoke an awareness of the other's position in a manner which allows dialogue to continue in a rational and deliberate manner. Even though Johnstone allows rhetoric to inhabit the province of philosophical dispute, it should be noted that this is a bilateral rhetoric, and not the unilateral, manipulative, deceitful rhetoric he so clearly rejected in his early writings on the relationship between rhetoric and philosophy.[22] Thus, the rhetorical environment, with a focus on argument as product, parallels that advanced by Hare and Ryle; anything less would be "rhetoric" in the pejorative sense in which Hare employed the term. The linguistic confusions which prevail in the social and personal communities remain foreign to the conduct of a philosophical dialogue. Rhetoric is only legitimate as a resident of the philosophical community when the process admits of bilaterality and the argument is phrased clearly and in consistent form.

## Argument in the Personal Community

As in social argument, personal argument is problematical, derives from a similar stock of argument forms, and seeks to justify belief and action. However, instead of being addressed to collectivities, personal argument addresses individuals. The standards essential for the conduct of such discourse are initially drawn from the same general linguistic rules in effect in the social community. The decision that one must change his or her views is predicated on a criterion of validity *chosen by the participants*. In the social community, the criterion of validity is derived from the collectivity or the "people"; in the philosophical community, it is imposed on all participants by prior agreement. To conduct a social dispute or a philosophical argument, in the senses these have been explicated here, a person adheres to community judgment. In actuality, only in the personal community are individuals free to embrace standards drawn from other sources (communities) or to create their own set of standards. One implication of this freedom is that there is no "community" present, except in the sense of an aggregate of individuals, each with the same freedom to ignore all standards other than the one agreed upon with a participant in an interchange of views. While the standard chosen may appear absurd or ludicrous to an outsider, it nonetheless remains as a validating force for those agreeing to its strictures. The principal difference between this community and the others lies not in the process of validation, but in the kinds of standards chosen and their potential influence over others not directly involved in the particular argument.

Because of the possibility for each person to be intimately involved in the validation process, arguments in the personal community assume the greatest potential for being risk-bearing and person-building. This community also possesses the possibility, to an extent much greater than that present in other communities, of moving a relationship beyond the mere intersubjective sharing of standards to a communal state or a truly *I-Thou* relationship.

Perceiving argument in process terms is more useful in this community than is its perception as a product. The examination of the elemental properties of arguments (reasons plus claims) which was dominant in the philosophical community gives way to an analysis of a person's understanding or construal processes. Two recent attempts to focus attention

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on a process view have considerable merit: Charles Willard presents a constructivist/interactionist perspective[23]; Dale Hample presents a cognitive based perspective.[24] The differences between these are significant: Willard rejects the argument as product view in its entirety in favor of an analysis of the construal process; Hample begins with the assumption that arguments can be assessed in product terms (as syllogisms) and tests evidence's probative potential and the predictability of an audience's adherence to claims. The common focus of the two perspectives is equally important: both examine the individual's reaction to an argument.

## Conclusion

This essay began with the assumption that the tendency to view process and product perspectives as antagonistic posed unnecessary difficulties for theory building in argument. With the foregoing analysis as a basis for discussion, the nature of argument as process and as product can be more clearly delineated. A recent statement by Willard provides a useful point of departure for elaborating on the contrast between process and product views:

> Traditional explanations of the epistemic functions of argument have been based upon a serial predicative view. Arguments were products, units of proof, serials of propositions, "things," having existence apart from the personal perspectives of the people who used them. The constructionist/interactionist view rejects this insistence upon the "thingness" of arguments by focusing upon the personal perspectives of social actors who "are having an argument." My position is not that the analysis of things people say is impossible or unwise but that the analysis and criticism of talk should be guided by assumptions about the most fundamental sense of the term "argument": as a kind of social interaction.[25]

In contrast to Willard's view, the objective of this essay has been to suggest the arenas in which process and product perspectives are most useful, and to identify what each term means in the community to which it is applied. There is no particular theoretical stance which encompasses all communities or governs the analysis of argument wherever it occurs. "Process" answers to different meanings and intentions in each community. Likewise, "product," while referring to the form the argument takes, assumes different degrees of importance in each of the communities.

Theoretical explanations of argument in the social community must account for the manner in which argument addresses the collective consciousness of the members of that community. The process of argument follows socially derived rules for the conduct of discourse. The critique of argument as product takes place at the macro level of analysis: the concern is for the force of argument in shaping societal values, addressing ideological beliefs, etc. Individuals, qua individuals, are not the prime concern in such critiques. Contemporary studies of fantasy theme/rhetorical visions and of ideology/myth are typical of those appropriate in the social community: they go beyond the argument and style of a single person to an analysis of the interaction between rhetoric and the beliefs of the collectivity.

Theoretical explanations of argument in the philosophical community, on the other hand, must account for the possibility of argument and its ability to advance the search for truth. While argument in this domain may be addressed and received on an individual basis, any attempt to map the cognitive structure of the advocates would miss the whole point of the enterprise. Arguments are linguistic properties to be manipulated, whether by one set of individuals or another. Hence, analyses of argument focus attention on the elements of form and language clarity. The standard of validity, agreed upon by the arguers, is one shared by all who would claim residency in the community.

Johnstone's analysis of philosophical argument, while not the only one, is exemplary as a theoretical account. Johnstone hypothesizes a self capable of legitimizing the existence of argument and establishes the sphere of its form in a discussion of the relative potency of ad rem and ad hominem arguments. While he still denigrates rhetoric which is unilateral, he outlines the evocative function of a rhetoric capable of making persons aware of their and other's presuppositions. This latter sense of rhetoric is the only type fitting for philosophical dispute; all other uses are alien to the environment within the philosophical community.

Theoretical explanations of argument in the personal community must account for the manner in which arguments are constructed. The participants are free to adopt any validation mechanism, hence it becomes more important to understand how they perceive the argument and to predict their probable reaction to it. Cognitive mapping or constructivist assumptions are both relevant to this community. The phenomenal world of situated actors and their co-orientation to each other and the world is more accessible on an individual basis in this community. Accordingly, a process view takes precedence here, just as a product view assumes dominance in the philosophical community. Precedence and dominance does not necessarily imply superiority, nor does it imply rejection of other perspectives. To the extent that one view is emphasized, it may suggest that others are inappropriate as explanations of the nature of argument within the community. The interaction which occurs is on a micro level: the concern is for the individuals in the interchange and their particular ways of construing arguments. Argument as product becomes important only insofar as one is concerned with the predictive potential of the reasons (evidence) offered in support of claims.

One final comment: this essay is unreservedly in favor of a pluralistic approach to argument theory. What is required in future research is less emphasis on the denigration of one theory in favor of a preferred alternative and more attention to precisely where and when a given "theory" is most usefully applied. Hopefully, this essay is a contribution in the latter direction.

## FOOTNOTES

[1] G. A. Brutain, "On Philosophical Argumentation," Philosophy and Rhetoric, 12 (1979), 77.

[2] See Daniel J. O'Keefe, "Two Concepts of Argument," Journal of the American Forensic Association, 13 (1977), 121-28; Wayne Brockreide, "Characteristics of Arguments and Arguing," Ibid., 129-32; Charles A. Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," JAFA, 14 (1978), 124; Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," JAFA, 15 (1979), 137-47.

[3] Brutain, 77.

[4] Henry W. Johnstone, Jr., "Reply to Professor Brutain," Philosophy and Rhetoric, 12 (1979), 91-94.

[5] Charles W. Knuepper, "On Argument and Diagrams," JAFA, 14 (1978), 181-86; Charles A. Willard, "Argument as Non-Discursive Symbolism: A Reply to Knuepper," Ibid., 187-93.

[6] Karl Mannheim, Ideology and Utopia, trans. Louis Wirth and Edward Shils (New York: Harcourt, Brace & World, 1936), p. 2.

[7] See Michael C. McGee, "In Search of 'The People'" A Rhetorical Alternative," QJS, 61 (1975), 235-49.

[8] This is the conclusion of both Newman and Campbell. See Robert P. Newman, "Under the Veneer: Nixon's Vietnam Speech of November 3, 1969," QJS, 56 (1970), 168-78; Karlyn Kohrs Campbell, Critiques of Contemporary Rhetoric (Belmont, Calif.: Wadsworth Publishing Co., 1972), pp. 50-57.

[9] See McGee, 249.

[10] Jürgen Habermas, Communication and the Evolution of Society, trans. Thomas McCarthy (Boston: Beacon Press, 1979), pp. 1-68.

[11] This argument is extended further in Ray E. McKerrow, "Rhetorical Validity: An Analysis of Three Perspectives on the Justification of Rhetorical Argument," JAFA, 13 (1977), 139-41.

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[12] Chaim Perelman and L. Olbrechts-Tyteca, *The New Rhetoric*, trans. John Wilkinson and Purcell Weaver (Notre Dame, Univ. of Notre Dame Press, 1969), pp. 185-260.

[13] McGee, "In Search of 'The People'; Mcgee, "'Not Men, But Measures': The Origins and Import of an Ideological Principle," *QJS*, 64 (1978), 141-54.

[14] William J. McGuire, "A Syllogistic Analysis of Cognitive Relationships," in *Attitude Organization and Change*, ed. Carl I. Hovland and Milton J. Rosenburg (New Haven: Yale Univ. Press, 1960), pp. 65-111. See Gerald R. Miller, "Some Factors Influencing Judgments of the Logical Validity of Arguments: A Research Review," *QJS*, 55 (1969), 276-86.

[15] R. M. Hare, "Philosophy at Oxford," in *Philosophical Explorations*, ed. Peter A. Finch (Morristown, NJ: General Learning Press, 1975), p. 733.

[16] Gilbert Ryle, "Proofs in Philosophy," *Revue Internationale de Philosophie*, 8 (1954), 151.

[17] Ryle, "Proofs in Philosophy," 154-55.

[18] Ryle, "Philosophical Arguments," in Gilbert Tyle, *Collected Papers* (London: Hutchinson & Co., 1971), II, 196.

[19] See Ryle, "Philosophical Arguments," 194-211; Johnstone, *Validity and Rhetoric in Philosophical Argument* (Univ. Park, PA: Dialogue Press, 1978), pp. 5-28, 53-61.

[20] Johnstone, *Validity and Rhetoric*, pp. 114-39.

[21] Johnstone, "From Philosophy to Rhetoric and Back," in *Rhetoric, Philosophy, and Literature: An Exploration*, ed. Don M. Burks (West Lafayette, IN: Purdue Univ. Press, 1978), pp. 58-59.

[22] See Johnstone, *Validity and Rhetoric*, pp. 13-21.

[23] Charles Willard, "A Reformulation of the Concept of Argument": Willard, "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructivist/Interactionist Point of View," *JAFA*, 15 (1979), 169-91.

[24] Hample, "Testing a Model of Value Argument and Evidence," Communication Monographs, 44 (1977), 106-20; Hample, "Predicting Immediate Belief Change and Adherence to Argument Claims," Communication Monographs, 45 (1978), 219-23.

[25] Willard, "The Epistemic Functions of Argument," 169; For a cogent critique of Willard's use of product and process views, see Burleson, "On the Analysis and Criticism of Arguments."

# PRODUCT, PROCESS, OR POINT OF VIEW?

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A paradox inheres in the idea of a conference program on the definition of argument, as it does in the fact that this topic has consumed such a significant amount of our journal space in recent years. In many respects, such discussions are a sign of professional health, in that they signify a willingness to engage in reflection and criticism as to what we fundamentally are about. Moreover, they are necessary to set the boundaries of our field, to form the basis of our constructs and theories, and to give direction to our research.

At the same time, however, our concern with definition may be a sign of distress. As competing views are put forward and scholars "choose up sides," we may prematurely and needlessly divide ourselves--giving rise to unnecessary confusions and wasting our energies on pseudo-problems. Additionally, definitional concerns may distract us from the substantive issues we wish to investigate. It would be a small gain indeed if theorists and critics of argument concerned themselves so extensively with defining what argument is that they never got around to *studying* it--to criticizing arguments, explaining the process of arguing, or developing theories of argumentation.

It is my belief that our scholarship has reached the point at which we are courting the dangers I've just mentioned, and that further work along the same lines may not be productive. I hope to explain why I hold this belief and also to suggest that we may be able to avoid the dangers by changing the terms of our problem. I believe that we need to articulate a pluralistic conception of argument, and I shall make an attempt at that task. I confess that the details of my notion are not fully thought through, but I hope at least to be able to describe its general outline.

In a provocative essay, Daniel O'Keefe distinguished between two senses of the term "argument."[1] The first referred to argument as a *product*--a propositional structure created by arguers in a specific controversy but available for inspection and analysis by anyone interested. O'Keefe's second notion identified the process by which arguers seek to gain each other's adherence. An argument$_1$ is something that people *make*; an argument$_2$ is something that they have.

The distinction between process and product is at the base of much of the recent literature on the nature of argument. While I no doubt oversimplify the case, it seems to me that most of our disputes over definition turn on the question of whether argument$_1$ or argument$_2$ should be the primary notion informing our research.

Parenthetically, I do not wish to ignore the third sense of argument introduced by Professor Wenzel on this morning's program: argument as *procedure*.[2] I need to give this idea more thought, but my initial reaction is the suspicion that argument as procedure may be a special case of argument as process--a process that is structured, by convention or stipulation, to maximize the chances for thorough and candid testing of ideas. At any rate, I'll proceed on the convenient assumption that my suspicion is correct, and confine the following remarks to the distinction between product and process.

As I say, I think the chicken-and-egg question of "which comes first" is at the base of most of our definitional disputes. But an answer to this question depends upon answers to at least four others, and I don't think that those four questions can be resolved. Compelling theoretical arguments and paradigm cases can be found to support each of the competing positions.

(1) *Should our definition of argument be normative or descriptive?* One view sees argument as communication which satisfies some normative standard. Certainly this view is implicit in the treatment of traditional textbooks which equate "argument" with "logic" or "rationality." By this view, argument is an ideal form of discourse, characterized by the attainment of standards toward which all persuasive communication should aspire. Good reasons easily could be given for a normative view of argument. Without a normative conception, audience adherence would be the only measure of argument's strength. Argument would be indistinguishable from any other type of appeal, and we would face the prospect described by Wayne Booth, in which, any arguer could be validated by securing the assent of any audience. Charles Manson would be validated by the assent of his witches, and Hitler by that of his SS troops.[3] Seeing argument as normative offers a way out of this problem by providing a standard toward which discourse should aspire. If it meets the standard, the discourse is called argument; if it fails, it is given some other designation.

To be sure, a normative definition of argument could be applied either to argument$_1$ or argument$_2$. Ehninger and Brockriede, for example, define debate *as a process* in a normative way, stipulating the conventions and assumptions which ought to be shared by the participants in the process.[4] And a normative definition of argument$_2$ seems to resemble Habermas' notion of the "ideal speech situation."[5] Yet, if a normative view is our goal, defining argument as *product* would seem more useful. After all, the only way we can determine whether the participants in a controversy achieved the ideals of the process is by examining the products which the controversy yielded. We could determine whether the participants *believed* they had met the ideal standards by interviewing them, but only by looking at the arguments they produced could we tell whether their beliefs were well founded.

Compelling reasons also could be given, however, for avoiding a normative definition in favor of one that is descriptive. The normative view leads to evaluation according to norms that may be irrelevant or prematurely conceived. Among the great contributions of Toulmin, Gottlieb, and Perelman, is the explanation of why formal logic is of limited applicability as a set of standards for validity in non-formal argument.[6] Without such a field-invariant standard, though, arguments could be evaluated only on the basis of norms shared within particular fields. But deriving such norms requires a conception of argument *fields*. And, as Willard argues in another paper at this conference, the notion of field currently is murky at best.[7] Accordingly, when we invoke normative standards to evaluate argument, we are likely to do so hastily and to select standards which may not be pertinent to the particular controversy we wish to evaluate. On this view, we would be better off avoiding a normative definition of argument and instead using a descriptive notion, one which would focus on explaining what argument actually *is*.

If description is our objective, then regarding argument as *process* would seem to be more valuable. While description could be applied to argument$_1$--identifying the premises and conclusions in a discourse, for instance--the approach would classify rather than explain. Far more productive, it would seem, would be an attempt to describe what is going on when people argue. Such a focus would examine the communication behavior which is present in the type of interaction which we call "argument." Recurrent process features, in fact, are what would define the situation as "having an argument" as opposed to an interaction of some other type.

(2) *Is argument primarily interpersonal or public?* The process view of argument, as I understand it, is best suited to interpret argument as a particular kind of interpersonal transaction. Indeed, the process is situated in the *interaction* between the disputants. This view seems less well suited to explain appeals to a broader public

audience, to explain a situation in which argument and response are separated in time, or to explain a dispute, such as appear among scholars or in the public press, which proceeds, not through claim and counter-claim but through the successive presentation of and response to entire cases. To cite but two examples, a process view of argument would not help us to understand the controversy between Willard and Kneupper,[8] or between Willard and Burleson,[9] because the process is disjointed in time. What we see are the presentation of successive products. Indeed, it is interesting to note that as soon as Willard "goes public" in explaining and defending his view on the primacy of argument as process, he must do so by making serial predictions--that is, employing arguments-as-product!

So which is it, an interpersonal or a public focus, that best characterizes argument? Again, paradigm-case pleas could be made for either position. An interpersonal perspective could be defended on the grounds that it views argument as organic, that it approximates the dialectical encounter, that most significant interaction is interpersonal, that public utterances are often ritualistic in nature, that an interpersonal perspective permits us to study the behavior of naive social actors, and so forth. On the other hand, a public perspective could be defended on the grounds that what gives rise to argument is problems which affect a community and which demand decision, that deliberative discourse is produced in response to social urgency, that society is logically prior to the individual, that only a public focus permits the evolution and testing of ideas over time, and so on. My goal is not to develop any of these reasons in depth, but to observe that they do not point consistently in one direction or another. Yet, depending on how we resolve this question, we will be more likely to see argument$_1$ or argument$_2$ as the primary focus for theory and research.

(3) Is argument necessarily discursive? To qualify as an argument, is it necessary that the form be propositional (or even terministic, since every term is an implicit proposition)? This question, obviously, forms the major dispute between Willard and Kneupper, and is addressed by Balthrop in another paper on this program.[10] Since the reasons for both positions have been aired thoroughly by the participants in this exchange, I will not repeat them here. I would only add the hardly profound conclusion that to view argument as necessarily discursive would favor a definition of argument as product, since the product--an implicit or explicit propositional structure--is by nature discursive. Likewise, a belief that argument need not be discursive, or that it is fundamentally non-discursive, would favor a view of argument as process. While non-discursive products certainly can be identified--painting and

music, for example--the possibilities of analysis are far richer if we view argument in process terms and include within our purview all the non-verbal elements of an interaction as well as the web of myth, metaphor, value, and personal commitment that lie beneath the surface and never receive explicit mention.

(4) Should argument ever be removed from context? Obviously, argument occurs within context. People have, and make, arguments in response to a combination of personal and situational constraints and opportunities. The question is whether it is useful or defensible to study argument apart from its context. Perhaps an example will help to illustrate.

I currently am beginning a study on argument in the controversy over slavery in the 1850's, hoping better to understand why an issue thought to be settled with finality in 1850 would precipitate civil war barely a decade later. My initial reaction was amazement. Here was Abraham Lincoln insinuating that two Presidents of the United States, the Chief Justice of the Supreme Court, and Senator Douglas of Illinois were engaged in a conspiracy to make slavery legal all over the nation and that the Dred Scott decision was an instrument of this conspiracy. Here was Stephen A. Douglas attacking Lincoln largely on the basis that he had opposed the popular Mexican War and that he now was engaged in a conspiracy to aid and abet the abolitionists[11]--a charge so odious that Lincoln took great pains to deny it.

One position would suggest that a study of this type is valuable, even though the original argumentative context cannot be recreated. The study might yield examples of different types of argument, might illuminate the nature of conspiracy argument as a recurrent genre, might provide a means for judging the soundness and effectiveness of the positions taken, and might contribute to a theory explaining the coming of the Civil War. Another perspective, however, would find the study I am beginning to be of minimal value. One cannot know, for example, that the advocates at the time perceived their messages in the same way as would the contemporary critic. As David Potter has suggested, the whole debate about slavery in the territories--which admittedly has an unreal quality to it--may have been a way of "speaking in code" about another matter altogether: the problem of resolving the values of freedom and union.[12] On this view, a study of argument in the 1850's would be valuable only if it could be grounded in the context which produced it. But since only fragmentary evidence of context survives, and since our world-view has shifted so drastically, contextual reconstruction is impossible. Therefore, as this perspective would have it, I would be better advised to study something else.

It seems apparent to me that the first of these positions--that it may be valuable to study arguments divorced from their context--is conducive to a view of argument as product. Indeed, it is only as products that arguments could be said to outlast their contexts. By contrast, a view of arguments as fleeting, ephemeral experiences which lost meaning outside of context would favor a view of argument as process, since the process notion emphasizes the interaction of arguers within a given context.

So far I have suggested that a choice between argument$_1$ and argument$_2$ as our primary definition depends on how we answer at least four other questions. But, unfortunately, we can't just answer those questions and therby have the choice made. I believe that the troublesome feature of these questions is that they cannot be answered in the abstract. When we deal with paradigm cases, both positions usually are right. For example, it is true that without some sort of normative standard, argument would give way to a vicious relativism. And it is equally true that we may not yet have an appropriate basis for normative standards. It is true that argument is a form of interpersonal communication, but also true that public issues typically give rise to argument. Since paradigm cases will not resolve the issue, it seems pointless to me to engage in extended theoretical discussion over whether argument$_1$ or argument$_2$ is primary.

To avoid this impasse, we may need to change the way in which we think about the problem. Despite their differences, the view of argument as product and argument as process have one essential feature in common. They both regard argument as existing in the natural environment; they both see it within the natural attitude.[13] Argument$_1$ regards arguments as real things to be discovered and then analyzed by the critic. Argument$_2$ likewise views the process of arguing as one which takes place among real social actors; the job of the critic is to locate, describe, and explain this process. By this view, dispute about the nature of argument becomes a territorial dispute, involving the question of what elements of the natural world are ours to study. When the issue is whether we ought to study one part of the world or another, the stakes are high: people's careers and research programs could suffer a mortal blow if the object of their study were judged by their colleagues to be trivial or otherwise inappropriate. When the stakes are so high, at least two changes occur in our professional literature. First, it becomes increasingly polemical, tending not only to lay out but to plead for a particular approach. And, second, there is a frantic quest for drawing distinctions to separate what we do study from what we don't. The traditional view distinguishes arguments from other discourse types on the ill-conceived basis that argument is composed of "primarily rational" appeals. The constructivist view differentiates argument from other interaction processes on what I find the equally dubious basis that advocates maintain what they construe to be incompatible positions. What takes place in the literature is a vigorous defense of one's boundary line coupled with the denial of another's ability to draw his boundary line. This struggle for territory will persist so long as we see argument as existing in the natural attitude, as being literally an object of study.

Suppose, instead, that we regarded argument as neither process nor product but as a point of view, and suppose that we attributed this point of view not to "social actors" (Naive or otherwise) but to analysts and critics (scholarly or otherwise). According to this approach, our object of study would not be some part of the natural world but all communication behavior. The concept of argument would be hermeneutic; that is, it would be a way to interpret communication. I cannot help thinking that a notion like this was in the minds of the Sedalia conferees when they referred not to "the study of argument" but to "the argumentative perspective on communication."[14]

As a gratuitous aside to Professor Willard, I might add that this approach seems as firmly grounded in personal construct theory as does the approach he espouses. If I understand Kelly, his central point is that the natural world--our environment--is chaotic and confusing. Man, guided by a striving for predictability and control, "forms constructs and tries them on fir size." A construct "fits" if it helps us to understand, predict, and control our environment.[15] If we regard argument as point of view, we are saying that communication behavior takes place in this chaotic, undifferentiated natural world. There are numerous constructs by which we could seek to explain this behavior, including those of ritual, myth-making, artistic expression, and eulogistic covering for naked self-interest. When we choose to impose the construct of "argument" on the communication, we are saying that we can make sense of it by viewing it as "reason giving by people as justification for acts, beliefs, attitudes, and values."[16] The crucial point is that it is not anything about the process or product in the natural world which merits the name of argument; rather, it is a perspective or point of view selected by the critic.

I might illustrate this approach with a brief, and hopefully not too immodest, reference to some of my own research. I have just finished a piece on Lyndon Johnson and the Great Society.[17] I examined the discourses in which the President used or referred to the idea of the Great Society, as well as what information I could find on the processes by which those discourses were generated. Now, this sample of communication could be interpreted as symbolic reassurance to American liberals, following Murray Edelman's

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notion of the symbolic nature of politics.[17] It could be seen as a set of pseudo-events intended mainly to be newsworthy, following the ideas of Daniel Boorstin.[18] It could be seen as a ritualistic statement of goals such as we have come to expect from Presidents, particularly Democrats. While there may be value in all of these construals, I found it useful to view Johnson's communication from the perspective of argument. That is, I was looking at it as reason-giving in justification of the President's proposals. I tried to identify the types of reasons Johnson habitually selected (arguments$_1$) and to explore the implicit logic by which they were thought to be sound, as well as to explore the processes (arguments$_2$) by which they might be expected to be effective. Now I do not contend that Johnson necessarily saw himself either as _making_ arguments to justify his proposals or as _having_ arguments with his opponents. Nor do I contend that the communication I examined can be designated as argument and thereby distinguished from other types of communication. Rather, it is I, the critic, who have chosen to construe Johnson's behavior as argument, in the belief that I could thereby better understand, explain, and predict the behavior investigated.

This concept of argument as point of view seems so elegant in its simplicity that one legitimately might suspect that it evades the fundamental problem of definition. For, having said that the critic construes communication as argument in order to investigate reason-giving, we still have not said whether that construal should be of argument$_1$ or argument$_2$ or (as in my example) both. The critic's purpose should govern the answer. I agree with Wenzel that the critic may wish to examine soundness, or candidness, or effectiveness, and whichever purpose is dominant will influence the nature of his construal.

But what of the question whether argument$_1$ or argument$_2$ should be the primary focus of our research? The virtue I find in seeing argument as point of view is that it transforms this unresolvable question into a pseudo-problem. Put bluntly, it does not matter. Since we are no longer trying to answer the question of whether to study X or Y, but rather what emphasis should dominate our construal of whatever we study, there is no need to answer the question _a priori_. Instead, it can be put to the pragmatic test. If a normative focus on argument as product is best, that preference should be demonstrated by the heuristic value of argument studies which proceed along those lines. If an interactional focus on argument as process is more valuable, let that value be demonstrated in the heuristic potential of naturalistic studies of argument by naive social actors. Better yet, let the comparative merit of different construals be determined by the quality of studies of the _same_ communication behavior which construe it variously as argument$_1$ or argument$_2$.

This formulation of argument as point of view, while admittedly sketchy and incomplete, has a potentially significant implication for what we ought to do by way of theory and criticism. Once the dimensions of the different construals of argument have been laid out, there may be little value in attempting to plead for the primacy of one or another on a priori theoretical grounds or by argument from paradigm cases--particularly if I am right in stating that the disputes cannot be resolved on that level. Perhaps the various exchanges involving Willard and his critics might be brought to a gracious end, or at least a truce. Meanwhile, let us see the pragmatic consequences of critics' construing communication as argument along the lines which they respectively endorse. In making this observation, I have come full circle, because I am saying that further progress in defining the construct "argument" is less likely to come from a priori theorizing than from the labors of practicing critics and the response their work receives in the marketplace.

# FOOTNOTES

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[1] Daniel J. O'Keefe, "Two Concepts of Argument" Journal of the American Forensic Association, 13 (Winter, 1977), 121-128.

[2] Joseph W. Wenzel, "Perspectives on Argument," paper prepared for the SCA-AFA Summer Conference on Argumentation, July, 1979.

[3] Wayne Booth, Modern Dogma and the Rhetoric of Assent, (Notre Dame, Ind.: University of Notre Dame Press, 1974), p. 106.

[4] Douglas Ehninger and Wayne Brockriede, Decision by Debate (New York: Dodd, Mead, 1963), esp. chapter 2.

[5] A succinct summary of Habermas' view of the "ideal speech situation" may be found in Thomas McCarthy, "Translator's Introduction," in Jürgen Habermas, Legitimation Crisis (Boston: Beacon Press, 1975), pp. xvi-xvii.

[6] See especially Stephen Toulmin, The Uses of Argument (Cambridge: Cambridge University Press, 1958); Gidon Gottlieb, The Logic of Choice: An Investigation of the Concepts of Rule and Rationality (London: George Allen and Unwin, 1968); and Chaim Perelman and L. Olbrechts-Tyteca, The New Rhetoric, trans. John Wilkinson and Purcell Weaver (Notre Dame, Ind.: University of Notre Dame Press, 1969).

[7] Charles Arthur Willard, "Some Questions about Toulmin's View of Argument Fields," paper presented at the SCA-AFA Summer Conference on Argumentation, July, 1979.

[8] For the progress of this controversy, see Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," Communication Monographs, 43 (November, 1976), 308-319; Charles W. Kneupper, "On Argument and Diagrams," Journal of the American Forensic Association, 14 (Spring, 1978), 181-186; Willard, "Argument as Non-Discursive Symbolism: A Reply to Kneupper," Journal of the American Forensic Association, 14 (Spring, 1978), 187-193; Kneupper,

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"Paradigms and Problems: Alternative Constructivist/ Interactionist Implications for Argumentation Theory," *Journal of the American Forensic Association*, 15 (Spring, 1979), 220-227.

[9] The initial Willard essay cited in note 8 also is pertinent to this dispute. In addition, see Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," *Journal of the American Forensic Association*, 15 (Winter, 1979) 137-147; Charles Arthur Willard, "Propositional Argument is to Argument as Talking About Passion is to Passion," *Journal of the American Forensic Association*, forthcoming.

[10] Bill Balthrop, "Argument as Linguistic Opportunity: A search for Form and Function," paper presented at the SCA-AFA Summer Conference on Argumentation, July, 1979.

[11] Lincoln and Douglas made these charges during the famous debates of 1858. Several texts of these debates exist; see, for example, Paul M. Angle, ed., *Created Equal?* (Chicago: University of Chicago Press, 1958).

[12] David Potter, *The Impending Crisis, 1848-1861* (New York: Harper and Row, 1976), esp. pp. 42-46.

[13] The concept of the "natural attitude" is taken from Alfred Schutz, See Alfred Schutz, *Alfred Schutz on Phenomenology and Social Relations: Selected Writing*, ed. Helmut R. Wagner (Chicago: University of Chicago Press, 1970), p. 58. See also David L. Swanson, "A Reflective View of the Epistemology of Critical Inquiry," *Communication Monographs*, 44 (November, 1977) 306-320.

[14] James H. McBath, ed., *Forensics as Communication: The Argumentative Perspective* (Skokie, Ill.: National Textbook, 1975), p. 11.

[15] George A. Kelly, *A Theory of Personality: The Psychology of Personal Constructs* (New York: W. W. Norton, 1963) esp. p. 9.

[16] McBath, ed., p. 11.

[17] David Zarefsky, "The Great Society as a Rhetorical Proposition," *Quarterly Journal of Speech*, forthcoming.

[18] See especially Murray Edelman, "*The Symbolic Uses of Politics* (Urbana: University of Illinois Press, 1964); Edelman, *Politics as Symbolic Action* (Chicago: Markham, 1971).

[19] Daniel Boorstin, *The Image: A Guide to Pseudo-Events in America* (New York: Harper and Row, 1964).

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# ARGUMENT AND FORENSICS

## NATIONAL DEVELOPMENTAL CONFERENCE ON FORENSICS: AN ANALYSIS OF FOUR BASIC THEMES

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On September 1, 1974, almost exactly five years ago, the National Developmental Conference on Forensics held its opening session in a nearby state and in a mountain setting similar to the one in which we are meeting today. For the preceding eighteen months I had devoted virtually every extra minute I could squeeze from my regular teaching and administrative duties to the planning, financing and implementing of the Developmental Conference.

In the years since the report of the Conference was published, I have often been asked what, if anything, did it accomplish. Obviously, the Conference did not revolutionize either the theory or practice of forensics in America. While one can point to some obvious changes which followed the recommendations of the conference--cross-examination debating, the use of parameters, the growth of individual events contests --it is difficult to isolate the Developmental Conference as the sole or major cause of these changes. As an ad hoc meeting, the Conference lacked any real legislative perogatives, and even the AFA with its greater authority and more elaborate organizational structure has had only limited success in mandating modifications in ideas or practices within the forensics disciple. Thus, I believe, it is unrealistic to attempt to evaluate the National Developmental Conference in terms of an effects criteria. Rather, I prefer to consider the significance of the Conference in terms of the intrinsic worth of the report itself.

While the final report contained more than sixty individual recommendations, there were implicit within those recommendations a more limited number of general themes. I should like briefly to examine four of these themes. In each instance I will (1) establish the pervasive nature of the theme, (2) consider where we stand today in reference to the theme, and (3) consider prospects for further elaborations of the theme.

### The Centrality of Communication

The Conference recommendations clearly identify communication as a central concern of forensics education. Forensics as Communication was selected as the title for the published report of the Conference. The definitional statement considers "communicating with people" as one of two concepts inherent in forensics. The department of speech communication is accepted as the most appropriate home for forensics programs. The section on theory and practice recommends that "audience debating should be promoted through public debates." And the development of "students' communicative abilities" is established as a primary goal of forensics education.

During the years surrounding the Developmental Conference, mechanical, rapid fire, abbreviated, and often incomprehensible delivery was at its zenith. Since that time, however, there have been several developments which suggest an increasing concern for "communicating with people." The phenomenal growth of individual events has necessitated greater emphasis on presentational skills. While analysis is important in individual events, the lack of direct refutation reduces the importance of run away information processing. Moreover, the desire to make a speech stand out in a field of six to eight other speeches encourages concern for interest factors, audience analysis, and evocative delivery. The equally amazing growth of CEDA style debating also reflects, in part, a desire to make communication skills a more important aspect of debate competition. The CEDA instructions to judges place extraordinary emphasis on communicative delivery. NDT level debating even seems to have become less breathless and less out of control--although the rate of delivery is still extremely rapid. This renewed emphasis on communication in forensics practice has, of course, found theoretical support in the writings of Toulmin, Perelman, and most other contemporary argumentation theorists.

Whether or not all levels of forensics or all forensics coaches will come to accept the idea that communication is as important as analysis remains to be seen. Clearly, the continued use of selected judging panels (at the National Debate Tournament and other major tournaments) which give special priority to young, non-communication trained judges will work against the full realizations of this goal. Nevertheless, the importance placed on communication by the conferees seems justified in light of subsequent events. Surely, most members of the profession accept the ancient judgment that "truth" alone is not sufficient and that training in all aspects of rhetoric is essential to enliven "truth" and to assure that it will prevail.

### Wider Variety of Activities

A second theme of the Developmental Conference is that participation in forensics should be broadened by offering a wider variety of activities. This theme was most fully articulated in the conferees first recommendation under Goals and Roles:

> Opportunities for experiences in forensics should be provided for as many people as possible by developing programs that are responsive to changes in the composition of students populations and to their emerging needs in other settins, and by adjusting the demands of instruction in forensics to the goals of a liberal education and the social and intellectual development of people. Every effort should be made to encourage the participation of minorities in forensics activities.

A number of other recommendations also relate to this theme: more extensive development of forensics related courses, the institution of tournaments using alternate formats and non-policy topics, more audience debates, greater participation by women and minorities, opportunities for participation in both debate and individual events, and the development of judicial formats.

While many of the specific recommendations of the Conference have not been realized, there has been considerable movement in the direction proposed by the report. As noted earlier, individual events contests have expanded greatly. There are now two national I.E. tournaments provide opportunities to work with narrower, more value-oriented topics, and a few institutions now offer forensics contests utilizing legal and other non-traditional formats. Courses in advanced argumentation theory are now offered at a number of institutions and as the programming of this conference indicates, interest in courses in legal advocacy seems to be increasing.

In spite of considerable progress, the broad and varied opportunities envisioned have not been fully achieved. At many institutions, individual events have been substituted for debate, so that while new opportunities have been opened up other types of experiences have been foreclosed. The number of schools participating in legal and other non-traditional formats is still quite limited, and very often the schools interested in these alternate approaches have abandoned traditional debate. Thus, the overall result has been some greater variety of opportunities nationally but not necessarily greater variety at given institutions.

In the coming years, it seems likely to me that the National Debate Tournament style of debating will persist but suffer at least modest declines in popularity. The extremely broad, open-ended topics selected for national competition make it difficult for students with varied activities, interests, demanding course loads, or heavy work schedules to do the amount of research required to compete successfully in NDT level tournaments. The gradual expansion of the pool of at-large-bids and the continuing dominance of the NDT by a few large programs may also discourage schools with less resources.

The CEDA type of tournament, on the other hand, will probably continue to expand because it offers opportunities to those students who want debate training, but who lack the time for or interest in the NDT level of competition. While there is considerable interest in judicial debating, a wholly satisfactory format has not yet presented itself. One wonders why an adaptation of moot court procedures hasn't been more widely utilized.

The challenge offered by tne National Developmental Conference is to expand and broaden our forensics programs so that they will better meet the individual needs of more students. Such expansion of programs will undoubtedly require larger forensics staffs, but once a demand has been created staff additions may be more easily justified. Our colleagues in music and athletics learned some time ago that their programs could be strengthened and their students benefited by offering a variety of types of musical and athletic opportunities. Perhaps, in this one area, at least, we could learn from their experiences.

## Controlling Forensics Practices

A third theme suggested by the Conference is that forensics practices can best be controlled through research and modifications in the rhetorical situation. While the Conference did not specifically reject rule making as a way of controlling practices, it did not encourage expansion of the AFA's role in that direction. The conferees belief in research is evident in Resolution 23 of Theory and Practice which calls for research to ". . . be conducted into contemporary tournament practices, including those that may be controversial." [the spread, operational definitions, and linguistic shorthand] and in Resolution 25 which asks the AFA to ". . . establish a study committee to examine current practices in forensics for their underlying theory, to examine other theoretical positions, and to suggest alternate practices to implement different theories."

That the members of the Conference believed that changes in the rhetorical situation could have a positive effect on forensics practices is seen in their call for a statement of parameters, acceptance of cross examination at the National Debate Tournament, increase judge involvement during debates, development of a system of pre-tournament case discovery, and the institution of constructive innovations through the National Debate Tournament.

On no issue were the members of the Conference more divided than on how to--or even whether to--control "bad" debate practices. Some members of the group believed that the primary function of the Conference should be to prohibit, once and for all, squirrel cases, rapid fire delivery, and weird new case forms. Other members were adamantly opposed to any external regulations or influences. Research (or in debate jargon, a studies counterplan) and situational changes offered convenient means of bridging these differences. The research proposals recognized the possible existence of problems without specifically identifying their nature. The proposals for changing the rhetorical conditions of academic debate suggested ways of channeling or influencing practices without imposing specific standards.

In the five years since the Developmental Conference the conferees' call for research into practices and for innovations in the situational context of debate have received only limited responses. No major new research efforts directed at contemporary practices have been reported in our professional publications. Cross examination debating has been adopted by the National Debate Tournament and most other tournaments have followed the NDT's example. The, parameters are used by the topic selection committee although their beneficial effects have yet to be determined. A few tournament directors experimented with systems of case discovery but most have abandoned these efforts.

Inspite of this lack of widespread support for many of the specific recommendations in this area, the general perspective of the Conference regarding forensics practices seems sound. The AFA Code of Tournament Standards has unquestionably had some beneficial effects, but the Association has found enforcement of even this very limited code to be extremely difficult. Moreover, given the lack of general consensus regarding matters of style, delivery, analysis, and theory, the conferees wisely avoided endorsing the expansion of regulations into these areas. Underlying the Conference's recommendations for research and experimental contexts was an acceptance of a free market approach to debate theory and practice. Academic debate has been in a period of change for several years. All of these changes may not ultimately be desirable ones, but in our search for high standards we must not discourage experimentation. While I am hardly a primary advocate of alternate justification cases, conditional counterplans, or hypothesis testing, I also recognize that these ideas are in some respects appropriate responses to our shift from specific topics to general topic areas for debate. Perhaps, the conditions of competition can be appropriately controlled through rule-making, but when it comes to judging matters of form and content the free market should prevail.

## Professionalism

A fourth theme of the Developmental Conference is that forensics should become more professionalized. The designation of special task groups to consider "Preparation, Status and Rewards" and "Research and Scholarship" indicates the importance placed on this theme by the Conference planners. The recommendations of the Conference develop the theme of professionalization by establishing an obligation to contribute to forensics research, by establishing preparation guidelines, and by urging greater recognition of the special circumstances of forensics instruction.

There can be little question that forensics scholarship has improved in quality and broadened in scope over the past five years. Articles in forensics journals are less exclusively activity oriented and are increasingly concerned with argumentation in a variety of contexts--legal, negotiating, legislative, and even interpersonal. Descriptive, quantitative, and critical methodologies are almost equally well represented.

While the quality and scope of forensics scholarship have improved, there is, however, little indication that the number of active forensics coaches contributing to research has increased substantially. Much of our current scholarship is the product of ex-coaches, graduate students, or non-coaching rhetorical theorists.

The preparation guidelines suggested by the Conference have been accepted by some state organizations at the secondary school level, but the lack of a sufficient number of teachers who can meet the standards have limited their effectiveness. At the local level, some collective bargaining agreements have recognized the special status of forensics teachers through contractually required reduced teaching loads and/or extra financial compensation.

Much remains to be done in order to achieve the professional status for forensics envisioned by the Conference. Although the Conference report properly sought to broaden the scope of forensics scholarship beyond interscholastic competition, it failed to give proper recognition to a broad spectrum of scholarship associated with forensics education. Analysis of debate topics, articles describing new forensics practices, extended critiques of championship debates--these and other types of writings have real pedagogical value and should be recognized as equal to other writings in communication education. Now that the *Journal of the American Forensics Association* has become more of an outlet for theoretical and research oriented articles, perhaps it is time to think about the establishment of a new journal of *Forensics Education*. At the very least, we should seek to assure adequate recognition for pedagogically-oriented forensics scholarship no matter what its source of publication.

At the same time that we seek to expand the scope of recognized forensics scholarship, we must also admit that it is unrealistic to require really active forensics coaches to meet the same standards of publication that our non-traveling colleagues are expected to meet. The Conference report recognizes both the obligation of forensics educators to contribute to scholarship and the fact that forensics personnel should be evaluated primarily on the criterion of teaching effectiveness. Unfortunately, how the demands of scholarship and the criterion of teaching effectiveness are to be balanced is not spelled out. With a tighter job market and rising standards for promotion, tenure, and merit salary increases this issue becomes particularly timely. There is increasing need for the ADA Professional Relations Committee to address itself to this problem and to develop a strong, detailed position paper on standards for promotion and tenure for forensics personnel. The American Educational Theatre Association, long ago, developed such a position statement for teachers in the theatre arts. Such a statement is needed not only to protect the jobs of individual faculty members but also to preserve programs and to win acceptance of a more realistic view of the place of forensics in departments of speech communication.

Greater professionalization, control through research and situations, broadened participation, and a focus on communication were four of the major themes of the National Developmental Conference on Forensics. Undoubtedly, many people will examine the final report of the Conference only in terms of its specific recommendations. Such a surface view does a disservice to the efforts of the Conference participants. Inevitably some of the recommendations contained in the report are self-serving; others are statesmenlike compromises; a few are intended as specific policy guidelines. But underlying these specific recommendations are basic values and general directions. It is these values and directions which should serve as our real guidelines for the future.

# SEDALIA PLUS FIVE: FORENSICS AS LABORATORY

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Abstract: This paper is addressed to the theme of what progress has been made in forensics since the Sedalia Conference in 1974. The Definitional Statement refers to forensics activities as "laboratories," a metaphor which has gained currency. This essay interprets the laboratory metaphor to imply that forensics activities are defined as service outlets, as learning and teaching environments, and as settings for research. To the extent that all of these meanings of a laboratory attach themselves to forensics activities, symbolic justification is achieved. However, the essay finds little concrete evidence of progress in any of these senses of a laboratory except in the availability of more individual events and in the CEDA debate league, and in a broadening of the meaning of the "argumentative perspective" to include elements of human interactive communication. Recommendations for future action are provided.

## SEDALIA PLUS FIVE: FORENSICS AS LABORATORY

The axiom, "necessity is the mother of invention," can be paraphrased as "doubt is the catalyst for change." Five years ago we gathered at Sedalia as a discipline plagued by doubts. Administrators doubted the wisdom of investing large sums of money in an activity which apparently served only an elite few. Speech educators doubted the transfer value of some competitive speech activities. Argumentation scholars doubted the credibility of argumentation theories which were rigid and narrow in focus. Out of the Sedalia Conference came rhetoric, intent, and commitment to address those doubts and to effect constructive changes. Our purpose today is to examine our called-for changes in light of those doubts and to evaluate what we have achieved.

The Sedalia Conference held that the overarching objective of forensics is that of "providing students with experience in learning to communicate with people." The Definitional Statement of the Conference went on with this metaphor: "From this perspective, forensics activities, including debate and individual events, are laboratories for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences."[1]

The "forensics as laboratories" metaphor was a happy one, for it provided a marketable rationale almost poetic in its rich ambiguities. "Laboratory" suggests several different functions, at least three of which are favorable to modern educators, both within and without the forensics community. The Conference made specific recommendations which spun off these three constructions of the meaning of a laboratory. These three meanings were workshop for service, learning environment, and research setting.

Incidentally, in yesterday's Keynote address, Professor Zarfsky mentioned the distinction he saw between forensics (as theoretical underpinnings) and forensics activities (as laboratories for student experience). As one of the thirty-one participants at Sedalia, I do not remember the distinction being made so clearly at the time. Neither was my three-part analysis of laboratory metaphor something intended by the Sedalia conferees. Rather, I think we equivocated on the terms we used so bravely then, out of confusion or the illusion that we could do and be all things.

1. The laboratory may be a production workshop where something is made or analyzed as a public service. For instance, the drug store sends your Kodak film to a photo lab for developing and printing. The FBI sends clues from the scene of the crime to a crime lab for analysis. No experimentation is implied in this sense of a laboratory. Our educational enterprises in speech communication also have laboratories for production and analysis. Students cut PSA's in the radio-TV lab for later play on the campus station. You can have your hearing tested in the audiology lab.

By analogy, we can view forensics activities as laboratories in this sense, where argumentative communication can be created and/or analyzed for world uses. Some of the Sedalia Conference recommendations of this type included:

> Forensics should influence public affairs by various means, including educational seminars and programs for general audiences, publication of the products of analysis of public problems, and dissemination of such analyses to appropriate officials. Argumentation specialists should assume more active roles as critics of public argument. (#2, p. 13.)
>
> Forensics should provide a variety of forums for the systematic analysis and discussion of significant contemporary issues. Forensics has a societal responsibility to promote rational decision making and to provide training in adapting argumentation to a variety of audiences and situations. (#7, p. 15.)
>
> College forensics educators should expand the range of services provided by their institutions to high school forensics programs. (#9, p. 27.)
>
> Audience debating should be promoted through public debates on the national topic and on issues of local concern, as well as through tournaments, or rounds within tournaments, based on the audience vote model. (#22, p. 32.)

In the past five years, if there has been a systematic attempt by the forensics community to increase services to a larger society, it has escaped my notice. I am not aware of any major progress made towards fulfilling Sedalia's metaphorical vision of forensics activities as a laboratory for creating products for public consumption. I would be delighted to be corrected on this point, but has there been an upsurge in public debates? Television debates? Publications of our analysis of public issues? Have we sought more influence over public affairs? An expanded range of services to high schools? Conditions today appear to resemble those which prevailed when the Sedalia Conference first made these recommendations.

This opinion may be a reflection of my limited exposure. If so, perhaps other members of this panel can elaborate on this point. [Balthrop provided two examples.] If not, are we content to maintain the current level of forensics-generated service to society? Should we be? I shall venture an opinion later.

2. The laboratory may be a teaching and learning environment. Basic courses in chemistry, biology, and other sciences are often termed "lab courses." Students are compelled to spend unpleasant afternoons (my bias) concocting potentially hazardous compounds over Bunsen burners, or dissecting earthworms in an atmosphere of formaldehyde. Such lab experiences are meant to demonstrate lessons about the laws of science to students. The outcomes of these experiences are foreordained. Failure to duplicate the correct result usually signals an error by a hapless student in following the lab manual instructions.

Granting that our field of speech communication lacks scientific rigor in describing whatever laws govern human interactions, we nevertheless seemed to find it useful at Sedalia to promote forensics activities as learning laboratories where students could be provided with experience in learning to communicate with people. The focus is on learning through participation and practice.

Related recommendations from the Sedalia Conference included these examples, among others.

> Forensics should be viewed as humanistic education. Forensics educators should provide a wholesome, exciting learning environment in which students are encouraged to develop positive attitudes toward the worth of ideas and toward themselves, other persons, and society at large. (#4, p. 14.)
>
> Forensics should develop students' communicative abilities, especially the abilities to analyze controversies, select and evaluate evidence, construct and refute arguments, and understand and use the values of the audience as warrants for belief. (#8, p. 16.)
>
> Although the forensics educator has significant roles in the development of theory, in research and scholarship, and in the administration of forensics programs, the primary role is as teacher. (#11, p. 18.)
>
> Students should have the opportunity to participate in both debate and individual events. (#13, p. 19.)

> To improve the ability to participate in and criticize decision making in society, preparation of students for inquiry and advocacy concerning propositions of public policy should be continued. In addition, new programs should be developed that adapt to decision making in other areas, especially the judicial. (#15, p. 20.)

Since these recommendations were approved by the Sedalia Conference, we have witnessed some steps forward in the growth of alternate outlets for student participation in forensics. In particular, both the American Forensic Association and the National Forensics Association now sponsor national tournaments in individual events. Both have experienced rapid growth and popularity. Over ten categories of contest events in rhetorical and aesthetic skills attract many students. (I do not have current data on the extent of student participation, but I would not be surprised to hear that there are at least as many students involved in individual events as there are in debate.)

Also, as an alternative to "NDT-style debate," the Cross-Exam Debate Association (CEDA) has grown to include participation from 91 schools in 25 states, entered in nearly 40 tournaments in 1978.[2] The CEDA experience is designed to offer students a "different emphasis in debating--away from a rapid-fire, evidence-output orientation, and toward a reasoned, communicative style."[3]

From the students' standpoint, this application of forensics "laboratories," as a place to gain experience through participation in tournament activities, etc., is probably the most meaningful interpretation of the metaphor of the laboratory. They join the activity in order to participate and compete. Some students, perhaps, use their opportunity in forensics as an altruistic vehicle for service to society, but they would comprise a minority.

These developments are in the extracurricular/cocurricular activity arena. What of the formal curriculum in forensics? Two years ago, Prof. J. Robert Cox offered four action proposals. These included model curricula generated by the AFA, a new survey of undergraduate forensics curricula, a blue-ribbon panel to study curricular development and methods of assessment, and an SCA short course on grant proposals to win financial support for these recommendations.[4] To my knowledge, the area has not been touched. It is as pristine today as it was then. Consequently, achievements in classroom applications probably remain as they were. I do not mean to downgrade the efforts by individual forensics educators who attempt to innovate in their classroom approaches, such as the examples cited in Prof. Cox's paper. However, in the absence of a systematic examination of curricular status, development, and evaluation in forensics education as outlined by Prof. Cox, accounts of individual efforts will be scattered and anecdotal, with little impact on instructional practices typical of the field as a whole.

3. The laboratory can be the setting for controlled scientific research. Recall that prior to Sedalia, the field of speech communication was undergoing a rapid, somewhat stressful transition into a more behavioral discipline. Curricular offerings generally, and forensics activities in particular, were

portrayed as being rooted in prescriptive, performance-oriented assumptions. As such, they were the targets of criticism and even derision as anachronistic throwbacks to the quaint, if eloquent days of elocution and literary societies by the new breed of empirical researchers and scholars. In a sense, the Sedalia Conference was the forensics response to the New Orleans Conference. It seemed ameliorative to label the debate team and the readers theatre as laboratories, implying that new knowledge could be generated by experimentation by students and forensics educators.

Some of the recommendations of the Sedalia Conference which were consistent with the research mission of the laboratory included:

> Forensics should encourage research and scholarship for the purpose of expanding knowledge of argumentation theory and the effects of argumentation practice. (#6, p. 15.)
>
> Many disciplines contribute to argumentation theory. Argumentation theorists should monitor, evaluate, and, where appropriate, utilize theoretical advances in related disciplines. In particular, theorists should develop models simulating a variety of decision-making situations. (#1, p. 22.)
>
> Evidence should be evaluated not by its quantity but by its quality, determined in part by its credibility and audience acceptability. . . .Further research should be conducted on the efficacy of evidence. (#24, p. 33.)
>
> All members of the forensics community should be acquainted with, and should feel a responsibility to contribute to, research and scholarship. (#2, p. 37.)
>
> Different research questions and the way they are posed suggest different methods for providing answers. Researchers in forensics should be prepared to employ a variety of methods; attention is called to the possibility for process-oriented field research in various settings. (#3, p. 37.)

Before we bemoan the low state of empirical research in forensics (a familiar theme over the years), let us note that our colleagues in other interest areas of speech communication are also being weighed in the balance and found wanting. The April, 1979, ACA Bulletin is a special issue devoted to the topic, "Research in the Communicative Arts and Sciences: A Review." Here are two sample conclusions from spokesmen of other interest groups:

Ronald E. Bassett [Instructional Development]: "One has to be surprised at the paucity of original research investigations designed to provide empirical data with implications for objectives, methods, or evaluation."[5]

Julia T. Wood [Interpersonal and Small Group]: "In this report I have highlighted six issues. . . .Lack of adequate theoretical foundations, extension beyond the conceptual boundaries of human communication, triviality of

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research questions, methodological preoccupation, lack of focus and clear conceptualization, and the need for thoughtful exchanges."[6]

In addition to the ACA Bulletin material, similar critical commentary has recently appeared in other sources. For instance, the Spring, 1979, Central States Speech Journal is devoted to the topic of the criticism of research in speech communication. Rather than "stack cards" in this paper by drawing out yet more conclusionary quotations along these lines from writers such as Prof. Dennis Gouran and Prof. Gerald Miller, suffice it to generalize that the metaphor of the research laboratory is troublesome throughout the speech communication discipline. If the metaphor of the research laboratory is strained as applied to forensics, at least we are not completely alone.

In the CSSJ number mentioned in the preceding paragraph, one of the contributed articles is by Prof. Ruth Anne Clark. A refreshingly positive approach, her article is a list of suggestions for the selection of research questions and the subsequent design of studies, richly illustrated with examples of published research reports which either violate or fulfill her suggestions. We may take her suggestions as criteria for guiding research. In principle, some of her suggestions apply to research generally, not only to empirical studies.

Prof. Clark's most crucial suggestion (her own evaluative term) is that research should concentrate on variables which reflect the core of a conceptual position.[7] For instance, research in psychology concentrates on issues central to its discipline, such as perception, learning, and attitude change. However, a review of research in speech communication largely fails to reveal adherence to a central core or conceptual position. Two topics which have approximated centrality to our research in the past were credibility and attitude change. For the future, Prof. Clark suggests "adaptation to the perception of others" as another possible core concept for speech communication research.

Now let us narrow our focus to forensics activities as a laboratory for research. What is our central core or conceptual position? The Sedalia Conference Definitional Statement said:

> Forensics is an educational activity primarily concerned with using an argumentative perspective in examining problems and communicating with people. An argumentative perspective on communication involves the study of reason giving by people as justification for acts, beliefs, attitudes, and values.[8]

It helps to realize that a perspective like that for forensics is relatively recent, and the Sedalia Conference undoubtedly had a major role in establishing it. In Forensics as Communication, Profs. Brock and Rieke stated that forensics educators were wedded to a single model; we were prescriptive and tied to formal logic.[9] The notion that argumentation is a form of interactive communication was a novelty in forensics. Consider the definitions of "argument" and "argumentation" in pre-1974 textbooks. They reflect a limited view of argument as formal logic. For example, Roy V. Wood defined argument as "the process of reasoning from the known to the

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unknown, from evidence to a conclusion."[10] Wayne Thompson wrote that:

> Argumentation is both a discipline and a form of discourse. As a discipline, it is an application of logic to a proposition and a means of determining whether the proposition is probably true or probably false. As a form of discourse, it is a mode of conveying to readers or listeners organized evidence and reasons that tend to prove or disprove a proposition.[11]

The notion of argument as a form of interpersonal communication process was not totally missing from the literature of that period. Eisenberg and Ilardo said that argument is "any kind of disagreement between two or more persons," although they then defined argumentation as "the field of inquiry made up of the basic principles of logic and rhetoric that underlie reasoned discourse," a case of the left hand taking back what the right hand offered.[12] Rieke and Sillars defined argumentation as "that on-going transaction of advancing claims, supporting them with reasons, and the advancing of competing claims with appropriate support, the mutual criticism of them, and the granting of adherence to one."[13] Richard Crable wrote a year later that we ought to think of argumentation as "communication where the symbolic transaction is aimed at presenting reasons for claims and/or examining reasons for claims."[14] These latter three references were promoted, and received, more as general argumentation textbooks than as books with particular relevance to debate and forensics.

Since the Sedalia Conference, we have seen some strong signs of change in approaches to argumentation. The Winter, 1977, issue of JAFA was a special edition devoted to theories of rhetorical argument. Prof. Daniel O'Keefe wrote about "Two Concepts of Argument," which he distinguished with the Hayakawa subscripts as $\text{Argument}_1$ and $\text{Argument}_2$. These two concepts correspond to the older logical format of an argument, and the newer interactive process notion. Prof. Wayne Brockriede wrote of argument as product, and argument as process.[15] More recently, Prof. Charles Willard has published a goodly number of articles explicating a theory of what he terms a "constructivist/interactionist" view of argument.[16] His definition of argument as a "kind of interaction in which two or more people maintain what they construe to be mutually exclusive propositions," is based on a blend of Kelly's "Personal Construct Theory" and symbolic interaction. (This approach, incidentally, fits closely with Prof. Clark's suggestion that "adaptation to the perception of others" might become a central core concept for speech communication research!)

At the last SCA convention in Minneapolis, there was a seminar on "Argumentation in the Learning Society." The seminar was led by Prof. Stephen Toulmin and Prof. Richard Rieke. Other participants included Prof. Brockriede, Prof. Willard, Prof. Crable, Prof. Vernon Cronen, Prof. Thomas Farrell, Prof. Robert Hopper, and myself. Prof. Leonard Hawes also contributed a paper, although he was unable to attend the seminar personally.[17] The underlying assumption of the seminar was that formal logic may have outlived its usefulness as the major frame of reference for understanding argument. Each participant contributed a paper which addressed alternative assumptions which might be more suitable to replace the formalistic standpoint of the past. Prof. Willard offered the constructivist/interactionist approach as an alternative to formalism. Prof. Crable suggested "eiconology," or analysis of the fit between the subjective knowledge of the individual arguer with that of the larger discipline within which he argues. This approach is based on Kenneth Boulding's theories about private and public images. Prof. Cronen put forward his theory of the "coordinated management of meaning" as an alternative perspective for the study of "logic-in-use" in human interactions. This method involves the application of rules to episodes of talk. These and other contributions to the seminar all emphasized alternatives to formal logic as approaches to the study of argument. Although there are significant differences to be seen among the various approaches offered, one element these alternatives hold in common is the willingness, indeed, the insistence to view argument as a communicative process.

Returning to Prof. Clark's suggestions for improving research in communication, another criterion she advanced was that research design should focus on underlying processes, rather than on surface level variables. Surface level variables are easily observed descriptors which do not explain relationships, such as age, sex, race, dress, etc. For instance, a study might determine that people who habitually wear blue jeans invest less money in the stock market than people who wear three piece pin stripe suits. The clothing does not explain the behavior. Similarly, research which produces results such as, females are more persuasible than males, does little to explain the underlying decision processes of the recipients of the messages.[18]

If forensics literature now identifies a form of interactive communication as the core concern of argumentation, does our research in forensics focus on its underlying processes, rather than on surface level variables? For instance, do we have any data to support the assertion that individual events (particularly aesthetic events) are best approached from an argumentative perspective? It should not be so difficult to study an oral interpretation event to see whether a source conveyed a message to a receiver, consisting of reason giving for the purpose of justifying the source's claim upon the attention, beliefs, attitudes, or subsequent behavior of the receiver. Research which undertakes to measure the effects of the age, sex, race, dress of the debater upon the win-loss record, perceived attraction, budget allocation, number of evidence cards may indeed find significant differences to report; however, once such differences are noted, we would still know nothing more about the underlying processes of argumentation or communication.

Profs. McBath, Bartanen, and Gossett reviewed forensics research for the ACA Bulletin:

> On balance, we would say that too much of the scholarship is concerned with forensics as an activity. . . .The uses of forensics as pragmatic communication remains unstudied. . . .There is an obvious call for research efforts into substantive debate, the application of argumentative principles to fields outside academe. The kind of quality of research activity in legal argumentation can be extended to government, politics, advertising, industry, judiciary,

> volunteer associations, and wherever else people use reason giving as justification for acts, beliefs, attitudes, and values. . . .Little current research is addressed to the social applications of forensics concepts or to the pedagogical methods employed to teach them.[19]

Possibly as an expression of hope that those who are engaged in forensics are most vitally concerned with research about it, McBath and his collaborators suggested that more of the research should be done by those currently active in it. The unstated premise here is that much of the research is done by those who are not active. Why is this recommendation made necessary? We can speculate about some possible reasons:

A. Active forensics educators and students lack an argumentative perspective towards forensics. They do not want to do research about forensics. They would not know what kinds of research questions to ask about forensics if they did want to. Most students who participate do not study rhetoric or speech communication; they are pre-law or pre-business majors. Also, many forensics educators did not receive formal academic training for their professional careers, coming into coaching as a result of personal satisfactions derived from their own undergraduate forensics experiences. There is little incentive towards academic research in forensics. At Auburn Univeristy, we have occasionally conducted research during our annual tournaments. There have always been some subjects who complained that our testing was out of place for such reasons as "We're too tired," "It's holding up the tournament," or "What for?".

B. Active forensics educators and students do not perform research, though they may indeed want to, because of the heavy demands on their time and energy by the activity itself.

C. Active forensics educators and students who do attempt to perform scholarly research suffer from a forest-and-trees syndrome. Their strongest interest at the moment often resides in pursuing questions about the meaning of topicality in debate, or in the amount of foot movement allowable in oral interpretation before it becomes acting, rather than in more central albeit more theoretical issues arising from a perspective of argumentation as a form of interactive communication.

What recommendations can be supported by the foregoing essay on the forensics-as-laboratory metaphor? Let us retrace our steps, beginning with the last and moving to the first of the laboratory settings we have examined.

1. Forensics as research laboratory. The recommendation is to continue scholarly research, and to inculcate a more favorable attitude towards cooperating with research projects among our students and our colleagues. However, a major task confronting us is to explore more fully what our central core of concern in forensics really is. When the Sedalia Conference told us that "Forensics as educational activity is primarily concerned with using an argumentative perspective," they believed they had somehow settled the major parameters of our concern. They could not foretell the numerous twists and permutations that simple statement would take, and not only due to Prof. Willard's construct theory, either.

Tomorrow, Prof. Wenzel's paper will tell us that argumentation may be viewed from three perspectives: rhetorical, logical, and dialectical. Prof. Balthrop will tell us that argumentation may be viewed as linguistic, whose logic is derived from generative and textual grammars. Prof. McKerrow will tell us that argumentation may be found in three distinctive communities, including social, philosophical, and personal. Prof. Willard will continue his assault on logic and his explanation of argument by naive social actors. And Prof. Zarefsky will tell us that argumentation should be viewed, not as Argument$_1$ and Argument$_2$, but rather as something drawn from the perspective of the critic.[20]

Earlier in this essay, mention has been made of the trend towards viewing argumentation as interactive human communication. Mention should also be made of resistance to this notion. Prof. John Powers argues that such a view is ill-founded, not only for argumentation as a species of communication, but also for communication itself. In Prof. Powers' view, argument as a form of communication is what it has been for twenty-four hundred years: "The intentional assertion of conclusions based on premises which are offered as support."[21]

Obviously our options have been broadened. As Prof. Clark said, our research concentrates on variables which reflect the core of our conceptual position. In the area of forensics, that means an argumentative perspective--as defined above!

2. Forensics As Learning Laboratories. If we still believe as we did at Sealia that forensics activities "are laboratories for helping students to understand and communicate various forms of arguments," the next recommendation is to take another look at the fit between what we think argumentation is, and the activities we have devised for students to use in order to gain experience in it.

A. If argumentation is a form of interactive communication, then we should devise new, cooperative formats for featuring interactions. Perhaps a revival of Prof. Lashbrook's Group Action tournament is now due.

B. If argumentation is something a critic does, then let students judge and criticize the arguments of others. Rhetorical criticism (or Communication Analysis) deserves a higher priority in our coaching order.

C. If argumentation is a linguistic exercise, we should structure more events employing writing. (I believe this suggestion would also be appropriate for Rhetorical Criticism.)

So far, my recommendations have zeroed in on definitions of argumentation, and suggested forms of student activity which would exemplify them. Now let us ask whether the student activities we have to have reflect the argumentative perspective? After all, we should not ignore the system in use.

In my view, most of the individual events do not reflect an argumentative perspective, except possibly the rhetorical events such as persuasive speaking or extemporaneous speaking. We are overdue for an examination of aesthetic events such as oral interpretation of literature, in terms of defining what the central conceptual position the activity gives students experience in learning.

The same comment is equally applicable to debate. None of the definitions of argumentation surveyed in this essay deal with competing claims, refutation and rebuttal, and decision making based on the strategy of drops and shifts.

3. Forensics Activities As a Public Service Laboratory. In view of the apparent confusion over the central core conception of argumentation, the next recommendation is that we should go slow in planning public exposure of the products of our efforts. I do not mean that students should be deprived of opportunities to debate to public audiences such as classes or service clubs. However, these activities should be promoted as student experiences and not as efforts to intervene into public affairs. I am not aware of any other discipline which urges that the products of student laboratory exercises should be made public for their potential value to society. Other disciplines seem to realize the limited purposes such student exercises can play, and they do not particularly want to hold up student products as representative of their relevance to society.

Professional criticisms of public argument are another matter. Forensics educators and scholars should assume their share of responsibility to do research and to disseminate their findings, as Sedalia recommended. But this goes beyond the student laboratory metaphor, doesn't it.

In conclusion, the metaphor of forensics-as-laboratories has proven to be serviceable to our field. In this essay, we have explored three meaningful interpretations of the laboratory metaphor: forensics as a workshop for social service, as a teaching and learning environment, and as a setting for research. These three meanings happen to correlate with the three chief aims of higher education, which are service, teaching, and research. We can now, as we did five years ago, claim a measure of justification for forensics in these missions implied in the laboratory metaphor. We delude ourselves if we think we can, each like Don Quixote, ride off will-nilly after them all at once. In the next five years, hopefully we can make more progress towards achieving them than we have.

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## FOOTNOTES

[1] James H. McBath (ed.), Forensics as Communication: The Argumentative Perspective (Skokie, IL: National Textbook Co., 1975), p. 11.

[2] Janet M. Vasilius, "To CEDA or not to CEDA: Notes on CEDA as a Forensic Alternative," paper presented at SSCA convention, Biloxi, April 1979.

[3] Bud Zeuschner, letter dated August 25, 1978.

[4] J. Robert Cox, "Sedalia Three Years After: An Assessment of Trends in Forensics Scholarship and Teaching," p. 9.

[5] Ronald E. Bassett, "Research in Instructional Development in 1977," ACA Bulletin, April 1979, p. 21.

[6] Julia T. Wood, "Interpersonal and Small Group Communication Research in 1977," ACA Bulletin, April 1979, p. 21.

[7] Ruth Anne Clark, "Suggestions for the Design of Empirical Communication Studies, CSSJ, 30 (Spring 1979), pp. 51-66.

[8] McBath, p. 11.

[9] Bernard Brock and Richard Rieke, "Research and Scholarship in Forensics," in Forensics as Communication, pp. 132-133.

[10] Roy V. Wood, Strategic Debate (Skokie, IL: National Textbook Co., 1972), p. 32.

[11] Wayne Thompson, Modern Argumentation and Debate (NY: Harper and Row, 1971), p. 6.

[12] Abne M. Eisenberg and Joseph A. Ilardo, Argument: An Alternative to Violence (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1972), pp. 2-3.

[13] Richard D. Rieke and Malcolm O. Sillars, Argumentation and the Decision Making Process (NY: John Wiley and Sons, Inc., 1975), p. 7.

[14] Richard E. Crable, Argumentation as Communication: Reasoning with Receivers (Columbus, OH: Chas. E. Merrill Co., 1976), p. 9.

[15] Daniel J. O'Keefe, "Two Concepts of Argument," JAFA, 13 (Winter 1977), 121-128; Wayne Brockriede, "Characteristics of Arguments and Arguing," JAFA, 13 (Winter 1977), 129-132.

[16] Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Argument," Communication Monographs, 43 (1976), 308-319; "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," JAFA, 14 (Winter 1978), 121-140; "Argument as Non-Discursive Symbolism," JAFA, 14 (Spring 1978), 187-193; "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructivist/Interactionist Point of View," JAFA, 15 (Winter 1979), 169-191.

[17] The seminar was closed to the public. As participant/observer in the group, I have the job of editing the proceedings, which will be distributed by SCA. The proceedings will contain all contributed papers, along with the seminar discussion transcript.

[18] Clark, p. 55.

[19] James H. McBath, Michael Baranen, and John Gossett, "Research in Forensics: Reviewing 1977," ACA Bulletin, April 1979, p. 7.

[20] These are all extracted from this conference's program notes about tomorrow's panel symposium by these scholars.

[21] John H. Powers, "Argumentation As A Communication Process," contributed paper to the conference, p. 11.

# THE UNFINISHED AGENDA OF SEDALIA

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I believe there are three standards by which the Sedalia Conference (and other similar conferences) should be judged: the ideas generated by the conference, the association and interaction of colleagues at the conference, and -- especially in the case of a gathering designed to promote and encourage action -- the action which has taken place in light of the conference recommendations. There seems little doubt that Sedalia did in fact succeed at generating a few occasionally challenging ideas, although, as I will indicate in a moment, I do not necessarily agree with some of those ideas. And, from all reports, the interaction at the retreat near Denver, Colorado, was both profitable and "wholesome." My objections to and observations about the conference do not derive from these first two areas but center instead on the unfortunate dearth of response to the proposals generated for action back in 1974.

We must also avoid _post hoc_ reasoning which might lead us to believe that certain phenomena in forensics have occurred _because_ of Sedalia when in fact they seem simply to have happened _since_ then. I refer here to the adoption of the cross-examination debating format by the National Debate Tournament and by most "on-topic" tournaments around the country, as well as to the proliferation of competitive opportunities in individual events. In the one case, as George Ziegelmueller observed in his paper this morning, the change was close to happening anyway: cross-examination seemed in 1974 like "an idea whose time had come"; and several tournaments, as well as the CEDA organization, were already experimenting with the format when Sedalia convened. In the other case, as I will argue in a moment, the conference not only failed to encourage the action in any meaningful way but rather discouraged that action by virtually ignoring the individual events as a class.

Let us also acknowledge that there are problems inherent in any judgments about Sedalia for many reasons, not the least of which is that we lack any effective means of measuring and evaluating the action recommendtions. With this understanding, I propose to single out three of those recommendations for brief attention. The first of these is: "College forensics educators whould expand the range of services provided by their institutions to high school programs."[1] At the San Antonion convention of SCA and AFA, there will be a program devoted to K-12 training in forensics. Perhaps at that time we will hear some encouraging news about the implementation of this particular recommendation. But I doubt that we will. Other than the continuing stream of high school workbooks, manuals, and handbooks from an ever-expanding number of colleges, I am not aware of any action on this very legitimate conference recommendation.

The second recommendation I wish to acknowledge is: "All members of the forensics community should be acquainted with, and should feel a responsibility to contribute to, research and scholarship."[2] Of course this suggestion is very laudable. But it defies evaluation, measurement, or meaningful comment because it is so broad and non-controversial that, while little disagreement can be provoked by the recommendation, little action can be specifically generated. There is, in short, no "follow-through" mechanism. We do not know whether Sedalia did its job on this proposal because the language here is so vague and generalized, so "consensus-oriented," that we lose the ability to focus on the proposal; having lost our focus, we have no direction in which to proceed.

The third recommendation I will mention is: "The forensics program should receive the support of other faculty members, especially assistance in the preparation of students and with travel and/or administrative responsibilities of the program."[3] Surely there is not a single forensics director in the nation who disagrees with this plea for support and encouragement. But in this recommendation, as in most of the others contained within the section of "Preparation, Status, and Rewards," the Sedalia Conference tantalizes the forensics director with an idealistic statement that has no concrete means of implementation. In this particular recommendation, the debate coach is sure to be reminded of the old definition of "should" as "ought to, but not necessarily will and probably won't."

It is admittedly unfair to isolate three recommendations from the many proposed by the conferees in 1974. I have done so anyway because I think these three recommendations are symptomatic, though not completely representative, of the unfinished agenda of Sedalia. All three are universally commendable goals; and all three contain no genuinely new or useful mechanisms for adoption, implementation, or measurement. It has seemed strange to me ever since Sedalia that a gathering of forensics educators -- long known for their famous wrangles over both large and small issues at AFA business meetings -- could convene on the subject of forensics and produce so little genuine controversy and so few thought-provoking ideas.

If I understand George Ziegelmueller's remarks correctly, a central purpose of the conference was to create as much consensus as possible, to provide a casebook for "where forensics is at and where it is coming from" as viewed from the vantage point of 1974. I think the conference almost completely succeeded as a creator of consensus. And I believe that that very reason explains why Forensics as Communication is practically unreadable and a "dead document" in 1979.

To be sure, there is one area in which the conference did create a controversy -- its basic definition of forensics:

> Forensics is an educational activity primarily concerned with using an argumentative perspective in examining problems and communicating with people.... From this perspective, forensics activities, including debate and individual events, are laboratories for helping students to understand and communicate various forms of argument more effectively in a variety of contexts with a variety of audiences.[4]

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Perhaps at this stage, with the burgeoning of individual events competition and the development of the AFA's National Individual Events Tournament, it is too obvious to point out in detail that, in the above definition, the Sedalia conferees failed to concern themselves meaningfully with the vast area of individual events especially those related to interpretation. In a paper soon to appear in Speaker and Gavel I have outlined in more detail my objections to Sedalia on this unfortunate exclusion.[5] A perfectly clear instance of the conference's attitude toward individual events occurred when the conferees overwhelmingly rejected a proposal for a national tournament in individual events. Since the AFA had, in late 1973, finally appointed a committee to consider such a national tournament, the news of its rejection at Sedalia merely created a "Go Slow" attitude which delayed the implementation of this very popular tournament until more serious negotiations with the National Forensic Association could be resumed in 1976.[6]

Let us try to focus these comments into some sort of a conclusion. What did the conference accomplish? What is the unfinished agenda of Sedalia?

It seems to me that, in terms of action items, Sedalia's agenda is mostly unfinished. A re-examination of its recommendations seems in order. Hopefully there can be an attempt to discard the recommendations which are obsolete or not deemed desirable and an even more assiduous attempt to implement those which remain after reappraisal. In terms of its general spirit, its impact on generating programs and portions of conferences such as this one, its potential for disseminating information and stimulating some scholarly interchange -- in these areas I think Sedalia must be given the benefit of the doubt and counted as a success. The lack of action speaks for itself, however, on many of the proposals.

The challenge of the next five years is for the forensics community to make some substantive progress toward implementing the best of the proposals so that, in 1984, we are not once again looking backward through time and asking, as the little boy asked his grandfather in Southey's The Battle of Blenheim:

> "But what good came of it at last?"
> Quoth little Peterkin.
> "Why, that I cannot tell," said he,
> "But 'twas a famous victory."[7]

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## FOOTNOTES

[1] Forensics as Communication, ed. James H. McBath, Skokie, Illinois, 1975, p. 27.

[2] Forensics as Communication, p. 37.

[3] Forensics as Communication, p. 48.

[4] Forensics as Communication, p. 11.

[5] At this point in the presentation Professor Rhodes read approximately three paragraphs from the Speaker and Gavel article.

[6] Documented in exchange of letters between AFA officers and Professor Rhodes, then chairperson of the AFA Committee on Individual Events, in the files of the author.

[7] Robert Southey, The Battle of Blenheim, in English Poetry and Prose of the Romantic Movement, ed. George B. Woods, Chicago, 1950, p. 426, ll. 63-66.

# SOME SPECULATIONS ABOUT EVIDENCE

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## INTRODUCTION

A: "I got something here that'll put an end to this /hands photograph to B/. Look at that. You *tell* me that ain't human. /Pause, B looks at photograph/. I don't see how you can look at that and say abortion's not murder."

B: "This doesn't prove abortion's murder."

A: /Angry, emphatic/ Look at it!"

B: "I'm looking. But I still don't see murder. Bloody stuff . . . /like this/ doesn't prove it. Pictures don't prove."

A: "Alls you have to do is look at it. I don't see how you can say anything else. Unless you don't give a shit about people."[1]

This piece of an argument may serve to illustrate evidence use in ordinary argument. *A* clearly believes that his photograph of an aborted fetus self-evidently proves something. It needs no explanation, no interpretation, and does not admit of alternative construction. Any right minded person will see the photograph as A does; only perversity would lead someone to dispute the self-evident meaning of the evidence. This is, I submit, an archetype of evidence use in ordinary argument, exemplifying a naive stance toward evidence. By naive stance I mean: (i) *A* does not see that he is interpreting, he draws no distinctions between his point of view and the "world as it is;" (ii) *A* is unreflective about his assumptions, he may believe that he looks at the evidence from a presuppositionless perspective; and (iii) *A*, although he has probably not thought it out, works from the assumption that things "are what they are" and are not anything else; *meanings* are irrelevant when one looks at things--things have obdurate characteristics which one can note by merely looking at them.

The uses and interpretations of evidence in the natural attitude merit study in and of themselves. Yet, as one peruses the literature on evidence--mostly argumentation and legal argument texts--one readily concludes that naive uses of evidence are not too far removed from the views expressed in the texts. Most of the texts define "proof" as consisting of "evidence" and "argument." Evidence or argument can "prove" something when someone draws a connection (causal, contiguous, temporal, or other relations) between the proof and the proposition needing proof. Evidence, then, has usually been conceptualized as a subset of proof and has been viewed through the same conceptual lenses theorists have used for resolving epistemological matters. Thus, most texts face their readers with a perplexing duality: they (i) say that evidence becomes proof when so *interpreted* by someone, but (ii) largely ignore the implications of this idea in explaining the requirements of proof--sharing as they do the analytic dichotomy between "mere belief" and "proof" (correctly grounded true belief). This classic logical view sees proof as a pathway to knowledge and holds it strictly accountable to analytic tests of knowledge. Thus, argumentation and legal argument theorists have used the analytic view of a logic as a perspective _from which_ to look at naive evidence.

I shall argue here that the notion of the natural attitude is a useful way of looking at ordinary argument and at the applications of logical principles to normative analyses of argument. The first goal is rather prosaic and will need little elaboration; the second, however, may prove troublesome: it raises a complex of nettlesome difficulties, some of which I have attempted to confront elsewhere,[2] and others which are possibly too diffuse to adequately confront in a single essay. Thus, I shall focus here upon the subject of evidence. My argument is that this narrow issue may illuminate the broader problem of generating normative systems out of psychological observations. My core claim, then, is that viewing evidence as a phenomenon usually confronted by actors in the natural attitude is a productive step toward generating normative principles of evidence.

First, I shall speculate upon the implications of the natural attitude idea for a theory of evidence. Second, following a Thomistic path, I will ask what it would mean if we did not possess the concept of the natural attitude; that is, I will look at some implications of naive accounts of evidence. I will use implicit quantifier research to illustrate the superiority of psychologized accounts; that is, I shall argue that this research both illuminates the narrow applicability range of formal logic and serves to tie the present view of evidence into the broader framework of attribution theory.

## I

Although often couched in formidible language, the natural attitude notion is a fairly simple one. A naive actor is so immersed in ongoing events that he does not reflect upon his constructions of their meanings--he does not stand back and look at his interpretations, how they are made up and what alternatives might be available. Bergson called this level of consciousness[3] _attention à la vie_--attention to life: one becomes submerged in the _duree_, the stream of consciousness of daily events.

Kelly's personal construct theory (PCT) sees "experience" as the ongoing constructive accomplishments of an actor, the changes he makes in construct systems as he successively interprets the replications of events. Changes in construct systems, however, can occur over time without a person being especially aware of the process--and this is a defining characteristic of the natural attitude. Schutz has described such changes as products of a person's preoccupation with ongoing ordinary events:

> /W/hen I immerse myself in my stream of consciousness, in my duration, I do not find any clearly differentiated experiences at all. At one moment an experience waxes, then it wanes. Meanwhile something new grows out of what was something old and then gives place to something still newer. I cannot distinguish between the Now and the Earlier, between the later Now and the Now that has just been, except that I know that what has just been is different from what now is. For I experience my duration as a uni-directional, irreversible stream. . . .But I cannot become aware of this while still immersed in the stream. . .The very awareness of the stream of duration presupposes a turning back against the stream, a special kind of attitude toward that stream, a 'reflection,' as we will call it.[3]

One cannot observe the stream of consciousness while still swimming in it; but this is an imprecise metaphor since Schutz does not mean that one can step out of the stream, sitting on the bank, as it were, and observe the stream. The *act* of reflection, because a person's constructive processes *are* the stream, involves inhibiting temporarily the movement of the water while the person notes the nature of the water. To pursue the metaphor, the reflective person can ask the water to "go back and come down again while I watch." The reflective person will know that, as the water "comes back down again" the movement is not precisely the same as the immersed experience: he is observing it now--there may be a Hawthorne effect.

There are, then, two levels of consciousness: the *attention à la vie*, submerged in the ongoing stream of consciousness, and the reflective attitude, in which one temporarily inhibits the flow of the stream in order to understand its nature. The first level is the natural attitude, which by definition cannot reflect upon itself. Thus, a core aspect of the phenomenological program is *reduction*--revealing the character of the natural attitude and its implications for philosophy; philosophy's job is to reveal the character of both the natural attitude and *reflection itself* and how the two domains of consciousness are related. Some but not all phenomenologists believe that there is a tension between the domains--what Schutz prefers to call a tension between thought and life. This has also been interpreted as a dialectic. The complex issues of phenomenological psychology and philosophy emerge here, but need not concern us at present.

I am interested in the natural attitude here for two reasons: (i) it provides a useful framework for explaining ordinary evidence uses; and, as I have detailed elsewhere, (ii) it explains the social grounds of ordinary argument.[4] This second interest is drawn from Schutz, who believed that the core of social life consists of the taken-for-granted assumptions which guide peoples' actions.[5] Argument is a social phenomenon which, like all other social actions, requires a *stock of knowledge* about the social world--a stock of taken-for-granted assumptions about social regularities. Societies--indeed all coordinated enterprises--would not be possible unless individuals were united by the common presuppositional framework--the *recipes* of daily activities.[6] The term *recipes*, in fact, is an especially appropriate one: ethnomethodologists such as Cicourel have been researching the ways children learn social procedures--the ways of interpreting social events--and the term recipes does justice to the learning of routine social acts. Recipes routinize, normalize, and stabilize--Schutz prefers *typify*--daily events--make them predictable and therefore manageable. Thus, if arguments are social phenomena, their character is best discerned by revealing their recipes--the background awarenesses, presuppositions, typifications, or implicit agreements that make them possible. This is why most of my earlier work has stressed the importance of the meanings actors attach to events as research foci.[7]

This theoretical orientation draws heavily from Schutz, although I find his insistence upon the importance of *ideal types* uncongenial. Schutz, of course, drew heavily from Weber, Bergson, and James as well as Husserl.[8] Weber's *verstehen*--interpretive research--view was especially influential, although Schutz was dissatisfied with Weber's explanations of meaning.[9] The key element of this interpretive sociology is that social behavior is enabled by routine understandings permitting behavior in the natural attitude. One either acts in that attitude *prereflectively*--not realizing that he can stand back and examine these assumptions--or by bracketing reflections, being aware that routine acts can be reflected upon but behaving *as if* there are no problematic aspects to daily conduct. One could, after all, become too reflective, too introspective, making daily life difficult if not impossible.

Although we as yet know little about them, social argument conventions undoubtedly guide the actions of arguers, when they define themselves as arguers. At the conclusion of the argument about abortion which prefaced this essay, the arguers--prior to moving on to other matters--made some revealing statements:

> B: "You don't have to get so mad. Just arguing /this isn't/ life and death."
> A: "Argue for the sake of arguing, I guess. I'll do that. I just don't like your attitude about dead meat."
> B: "They either are or aren't."
> A: "Shit. Well, no harm done, I guess; a good fight never hurt anybody."
> B: "One thing Catholics can't stand is argument."
> A: "Want's start again, all over /addressed to others/--can't leave well enough alone. I don't know, I always argue about this kind of stuff, get ready for church, know more about what I'm talking about."

Now, *B* talked *A* into that open minded view of argument; *A* had been rather upset at many stages; but the "just arguing" idea gave *A* an option other than fists for getting out of the argument. Thus, *A* articulates an "arguing for the sake of arguing" and an "arguing to understand things better" view of the interaction. Other constructions were available, but might have resulted in more serious consequences than either *A* or *B* were willing to pursue. It appeared as if, throughout the argument, *B* had been following that "for the sake of argument" orientation, but *A* had not. Thus, some taken-for-granted social *recipes* gave shape to the entire interaction and permitted a socially satisfactory conclusion.

The naive use of evidence, exemplified by the sample argument at the beginning, seems to have these characteristics: (i) the possibilities of alternative construction are either unknown, bracketed, or ruled out--in this sample, *A* and *B* seemed not to consider the possible legitimacy of each others' interpretations; for A the photograph was a thing with clear characteristics, for *B* it "meant nothing;" (ii) "thingness" is focused upon--that is, something seems to be "evidence" when it is tangible, observable, quantifiable, or otherwise objectified; there appears to be no clear sense in which "arguments"-as-products serve as "evidence," though most argumentation texts view them this way; if this is a typical case, we should expect to find juries insisting that *things* are evidence while arguments (products) are "just arguments," not "evidence" of anything--this is, indeed, the case in rape trials;[11] and (iii) the arguers see no need to leave the natural attitude (if, of course, they are even aware that they are "in" it)--they see no need to stand back to examine their ways of interpreting, attaching meaning, to the evidence. Even in this sample, however, argument served an epistemic function: *A* became aware, for the first time apparently, that another person could see the photographs as "meaning nothing." This particular exchange led to no detailed probing of the two points of view, however.

One of the most common devices in mystery fiction is the piece of evidence that one person (usually a policeman) interprets as proof positive of a person's guilt while the hero sees that same item of evidence as proof of innocence. In a Rex Stout story, for example, a freshly washed cup and pitcher combined with the admission by a defendant that he had served a poisioned man (apparently lethal) cocoa and then washed the items, was clear proof of guilt.[12] Nero Wolf, however, saw the same things as perfect proof of innocence, since nobody could be so unintelligent as to premeditate murder and then behave in such an incriminating manner. There are two very different points of view represented here (and they bear relation to two different research postures toward ordinary discourse): the policeman saw the objects and the act as evidence, standing on its own, with no need to refer to the actor's motives toward the objects and the act; Wolf saw the actor's meanings as the starting point for understanding the objects and act.

Some arguments (interactions) do probe the background assumptions of the "thingness" orientation. Consider the following exchange in an academic debate:

C: "You interpret the Brenner evidence, which says that there is a correlation in temporal terms between economic upswings and death rates, as meaning that Brenner thinks employment is harmful?"
D: "Yes; he has abondoned his earlier view that unemployment is more harmful than employment."
C: "Does he explicitly say that?"
D: "Yes."
C: "Where? Be specific."
D: "The evidence says that there is a temporal correlation between upswings and death rates."
C: "Temporal means they occur at the same time?"
D: "Yes."

C: "Does Brenner believe in a time lag?"
D: "Yes."
C: "So how, from Brenner's point of view, could upswings and death rates occur at the same time if it is employment that kills?"
D: "Uh. . ./long pause/. Let me think."
C: "That evidence couldn't possibly mean what you say it means, unless Brenner is an idiot. Do you think he's an idiot?"
D: "No."
C: "So come on, explain how that card could possible mean what you say it means."
D: "Let me bring it up later; I can't think up here /at the podium/."
C: "No way; you have to take a position on the evidence you read. Doesn't that evidence actually mean that unemployment is harmful and that its effects (which start during a recession) are not felt in health terms until the upswing starts because there is a timelag?"
D: "Well, probably; so we'll go with Eyer /another researcher/."

C and D are trained debaters, though there is a clear skill difference: D tries to defend a naive interpretation of the meaning of a quotation; C, knowing that the interpretation is incorrect, easily exposes this. Even in this specialized context of a competitive debate, one debater is moved to admit the incorrectness of his interpretation. He told me later that he honestly thought that the phrase "high correlation temporally between upswings and deathrates" meant "just that." The other debater got him to see, however, that in the broader context of his source's work, the statement could not possibly mean "just that." It meant, in fact, the precise opposite of his interpretation. One debater was clearly more reflective about the evidence than the other.

Does this sort of thing occur in more ordinary discourse, not involving trained debaters? If it does, argument per se can be said to have an epistemic function vis-a-vis evidence, irrespective of the skills of the individual arguers. I have obtained several instances of ordinary argument in which something of this order is apparently happening:

I. E: "They found hairs that were Oswald's on the blanket and the blanket was in the schoolbook dipository."
F: "That doesn't mean Oswald's there."
E: "He worked there. Everyboyd knows that."
F: "Doesn't mean he was in that room when the shots were fired."
E: "It means that he spent a lot of time in that room, waiting for the motorcade to pass."
F: "Could I have put that blanket there if I wanted to incriminate?"
E: "You weren't there."
F: "Dammit, you know what I mean."
E: "Yeahhhhh. But you can't prove that anybody did that."
F: "Can you prove anybcdy didn't?"
E: "Yes. Oswald worked there. He was there that morning."
F: "And you think that proves he put blanket there?"
E: "Well, it's circumstantial--he probably did."
F: "If he was smart enough to plan that murder, while in hell did he leave that blanket there? That's crazy."

E: "He probably was crazy."
E: /After long pause/ . . ."course, crazy people think OK about some things. Look, I'll admit that the blanket isn't quite as strong as I said, but the web of circumstantial evidence is . . . .[13]

These are, by the evidence of their talk, well educated and well spoken individuals; they had an argument lasting about thirty minutes about the JFK assassination of which this sample was a part. In interpreting this exchange as an instance in which a piece of evidence was, at first, regarded by E as a self-evident thing but was later seen as part of a web of circumstantial evidence. His interpretation had been criticized, rather rigorously, and he had been forced to alter it. In another sample, a person is forced to change his interpretation of a piece of evidence by the other's tone of voice:

II. G: "You know he's rich; look at that car."
H: /Derisive laughter/ "Havent't you ever heard of installments? In business school they teach you to put up a good front."
G: "OK, but it's a nice car."
H: /laughs/
G: "So . . .it doesn't prove he's rich."[14]

The next sample is possibly merely amusing; but note the quick reinterpretation:

III. I: "Carter got peace in the Middle East; that's a good President."
J: "Shit."
I: "OK, so it doesn't prove he's all good; he's not all bad."[15]

Ordinary arguments, then, do seem to lead to corrections. Arguers start with extreme and sometimes naive evidence interpretations and are subsequently forced to abandon them as the arguments progress. In the above samples, arguers tended to be more careful once they had been corrected or forced away from an interpretation. That is, after some of the exchanges quoted above, the arguers tended to be (or appear to be) more reflective about the status and meaning of "evidence." They were clearly less prone to make extreme claims about the evidence meaning "just what it means." The expectation of attack seemed to make them more careful.

Arguments nearly always start in the natural attitude; evidence, at first, is rather naively interpreted and used. As arguments progress, however, arguers become more reflective about evidence and arguments (though I have not been able to find instances in which they appear more reflective about the interaction per se, their co-orientation with the other person). Ordinary arguers do not apparently "stop the stream" for critical reflection; they are immersed in the durée. But the co-orientation itself leads to unusually reflective talk, more strategic considerations about how evidence is to be used. I locate the reason for this in the expectation of attack. Thus, arguers do not leave the natural attitude but nonetheless behave more critically.

## II

If we did not possess the idea of the natural attitude but were aware that people do change their views of evidence, we should be forced to say either (i) that the characteristics of the evidence changed, or (ii) that someone had at first, somehow, "incorrectly" viewed the evidence, failed to see its "actual" nature. We would be assuming, of course, that the evidence *possessed* characteristics which self-evidently revealed the essential character of the objects. We would be objectifying evidence. Argumentation texts do this: they say that "proof" consists of "evidence" and argument" and that it can be *interpreted*, but they explain interpretations along objectivist lines; they use the thing orientation to explain differences of opinion.[16] Thus, people can incorrectly interpret evidence because they are mistaken about its nature.

We owe to Aristotle the equation of evidence with *things*. His "inartistic proofs" were things (testimony, witnesses, objects, oaths, etc) which were to be *picked up and used* by rhetors. They fell outside the rhetorical art because their essences were immutable and self-evident; the persuader did not give them meaning--indeed, there needs be no reference to meaning in Artistotle's view of perception.[17] Things are what they are, in and of themselves; people do not interpret them or assign meanings to them; they sense them by *taking in their forms*. This is, of course, a thorough-going monism; and it is also why most of Aristotle's treatment of evidence fell within the rubric of "inartistic proof:" one did not manipulate or assign special meanings to objects; one merely picked them up, as they were, and used them. That one might use them artistically did not seem to occur to Aristotle--most probably because his monistic theory of perception did not admit of much interpretive latitude. One could be either correct or incorrect.

This has been a pernicious doctrine because it led subsequent theorists, who wished to admit the interpretive possibility into their schemes, to explain interpretation in terms of the characteristics of the objects interpreted. One's internal constructs, as it were, took the form, content, and meaning they did because they *reflected* the characteristics of the objects and events represented--a causal, necessary, or otherwise explicable relationship obtained between internal constructs and external objects. This has been true both of theories positing outside causation and those positing internal causal "forces."

The man-as-scientist metaphor is the only assumption needed here to explain the interpretative processes which effect and affect actors' constructions of evidence.[18] I assume that people construe evidence so as to enhance their *understanding* of it, to render it intelligible, unambiguous, clear, and unequivocal. This should be true of ordinary arguers, jurors and judges, or anyone else using public argument to solve problems or determine the adequacy of claims. Evidence tests are features of actors' construct systems; evidence is looked-at according to the perceived needs at hand. Thus, someone might use the standard legal tests, viz., asking whether the evidence is relevant, material, and competent; or other questions might appear more appropriate to the needs of the moment. Thus, ordinary arguers construe evidence not by virtue of the obdurant characteristics of the evidence but by virtue of how the evidence fits into the construct system-in-use.

Naive actors, of course, might draw no such distinctions between their perspectives and the facts at hand--which is why they would regard evidence as self-evident, needing no interpretation.

The traditional claim of argumentation texts that evidence becomes proof if and only if it secures belief seems sound, when interpreted as a claim about how perspectives shape perceptions. Since Baker published his classic text in 1896, this equation has been used,[19] although most of the argumentation theorists assumed a monistic relationship between mind and external objects. One can retain the general claim, but alter its meaning by changing the assumptions underlying it: evidence becomes proof when so integrated into a construct system that it functions to "prove" something.

It has lately become popular to tie the evidence notion into Toulmin's argument model, making evidence a field dependent phenomenon. I have elsewhere raised, I think, serious objections to this use of the field idea,[20] and it may suffice here to say that field treatments of the evidence notion have not been especially clear. Note, for example, the comments of Toulmin, Rieke, and Janik:

> In certain respects, the conditions of relevance of grounds /"evidence" or "Data" in the Toulmin model/ are fully intelligible only when we take into account the larger demands of the rational enterprise within which A's claim is presented. What precisely is involved in the advancing of a scientific hypothesis or in comments on a movie or in an application for a judicial injunction? All those who present genuine claims and enter into serious discussion about their justification within science or the law, for example, have to have some general understanding of the defining features of those enterprises. . . . So the precise status of A's claim (as a scientific hypothesis, a criminal indictment, or a medical diagnosis, say) will determine the criteria by which he can select certain items of information as being to the point for scientific (or legal or medical) purposes. . . .[21]

This may be true of science; but, as I argued (note 20), most of these generalizations vis-avis the law seem either false or a best half-truths. None of these statements seem especially applicable to ordinary discourse. The field notion, if divorced from the psychological perspectives or arguers, seems to have little useful to say about how evidence is given meaning by situated actors. My attempt to reformulate the field notion--inordinary discourse at least--from the perspectives of actors may redeem the explanatory value of the field notion vis-a-vis evidence: it would explain how and why evidence is interpreted in given ways because construct systems-in-use have certain characteristics. There is actually very little evidence that lawyers, judges, or jurors take their standards of relevance (or of materialness or competence) from "prevailing legal standards." Things are much more complicated than that.

The natural attitude notion is a useful starting place for understanding what I have termed "ordinary argument fields."[22] It leads the analyst to focus upon the taken-for-granted, not-to-be-questioned background awarenesses combined with the social recipes an actor uses which inform his arguments. These unquestioned assumptions are the roots of his arguments (interactions and serials)--they give meaning to them. The field notion is not especially helpful in explaining how evidence becomes proof unless it is itself grounded in psychological explanation.

## IMPLICIT QUANTIFIER RESEARCH

The present formulation, expressed here and in two other papers at this conference,[23] is a preliminary conceptual analysis aiming at an empirical program to illuminate ordinary logic. In some respects it is a pursuit of Perelman and Olbrecht-Tyteca's view of quasi-logical arguments: it assumes the truth of the proposition that "formal reasoning results from a process of simplification which is possible only under special conditions, within isolated and limited systems."[24] My "Würtzburg Revisited" paper specifies the truth of this proposition and discusses its implications for the creation of a useful psychologic for argumentation. The Belgians, however, follow the above statement with a pronouncement I believe to be false, viz., that "since there are formal proofs of recognized validity, quasi-logical arguments derive their persuasive strength from their similarity with these well-established modes of reasons."[25] True, they are persuasive to philosophers, logicians, and argumentation theorists of formalist inclination. But as a statement about the persuasive impact of ordinary arguments, this proposition is demonstrably false. Much of the evidence reviewed in "Würtzburg Revisited" proves this; and the research tradition reviewed here also exposes the irrelevance of formal logic to ordinary discourse. Here, I am especially interested in the intuitive probability judgments people make about the probity and diagnostic value of evidence.

The implicit quantifier research, largely owed to Kanouse, Abelson, and their colleagues,[26] can be interpreted to support the present formulation. It indirectly proves that formal logic is a narrow, specialized procedure rarely used in ordinary discourse. More important, however, it directly supports my arguments elsewhere that force-fitting ordinary discourse into formalist molds distorts its nature. I shall proceed carefully with respect to this idea since Kanouse and Abelson use traditional formalist models as their core explanation and would strongly assent to the Belgians' second proposition noted above. I am purusing, then, some interpretations of their research differing from their own.

The core idea behind the implicit quantifier (IMQ) research is that actors make attributions to people and events on the bases of assumptions. The focus here is on assumptions about the generality of relationships between propositions and events. The researchers believed that, in the absence of specific information about a generalized relationship (say, a logical principle), actors would make normative generalizations of their own in order to deal with some novel event. Most of the research has asked Ss to characterize (as to truth or falsity) lists of propositions.

The traditional logical view of "concepts" would lead one to expect that most judgments are made by reference to the subjects and objects of sentences. By this view, the probability of a proposition ought to reside in obdurate characteristics of subjects and objects. The prediction, in sum, is for naive Ss to engage in the same reductionism involved in logical systems per se. PCT, as I have argued in the Wurtzburg paper, predicts the opposite since constructs differ from concepts in that they are personal interpretations. Concepts have truth conditions in the events they "stand for." Constructs have truth conditions in the systems in which they are embedded. Thus, PCT can account for the curious outcome of these propositional studies: a distinct "verb effect" was noted.[27]

It is worth saying that these researchers chose the term "verb effect" because it accurately reflected their belief that they had discovered an effect of verbs rather than of the interpretations of people. The present formulation questions the exhaustiveness of such an interpretation on the assumption that there ought to be interactions between interpretations and the language system. Yet, however we resolve this, these researchers reported that the ease with which Ss worked with inductive generalizations was directly related to the nature of the verbs in the propositions.[28] Two dichotomous constructions of the verb effect were offered: "manifest--subjective" and "positive--negative." Manifest terms are more specific (e.g., use, have, produce) and tend to be more inclusive and categorical. Subjective berbs (e.g., love, trust, hate) permitted wide interpretative latitudes:

> To all outward appearances, the statement 'Maurice buys musical instruments' is as sweeping and unqualified as the statement 'Harry hates musical instruments.' The former, however, is construed to mean 'Maurice buys some musical instruments,' while the latter is taken to mean 'Harry hates all musical instruments.'[29]

Verbs in propositions, then, are not self-evident or specific. They can have a penumbra of meanings. The studies of inductive serials reported low rates of agreement with propositions containing subjective verbs (if the propositions were generalizations) and high agreement with the manifest verbs.[30]

In inductive serials, positive verbs garnered more agreement than did negative ones. An inverse relationship, however, was reported for deductive serials. In the deduction tests, the positive--negative construct was far more salient than the manifest--subjective dimension because the Ss were much more willing to make deductive inferences on the basis of negative verbs. Kanouse concluded from this that "verbs and evidence forms that produce strong inductive inferences yield rather feeble deductive inferences, and vice versa. For both types of inferences, however, the verb appears to be of critical importance. . . ."[31]

Thus, naive Ss select quantifiers (e.g., few, many, most, or all) by focusing upon the verbs in propositions.[32] Asked to specify the minimal evidence they thought necessary for accepting a given proposition, Ss have consistently revealed a penumbra of IMQs around verbs, especially the subjective ones. Thus, the IMQs for a term like "avoids" might be "most" or "all." The IMQs for a term like "loves" might be "some" or "possibly." Most important for the present argument: IMQs are not features of subjects or objects; they are features of the field of meaning around verbs.

There are two things to be drawn from this, one prosaic and the other possibly profound. The prosaic implication is that propositions implying "some" or "possibly" are easily amenable to inductive proof while propositions with IMQs like "most" or "all" are more congenial to deduction and much harder to prove to the satisfaction of the Ss.

The more profound insight, I think, is that modal terms like "probably" attach more often to verbs than to subjects or objects; the modal terms of ordinary discourse are most often implicit and field dependent (in the restricted sense that they obey logics of their own). Thus, the IMQs of verbs explain the psychological character of the force of propositions, although probably not exhaustively:

> . . .the differential susceptibility of verbs to inductive and deductive evidence may be mediated by the /IMQs/ . . .associated with the verbs. That is, the inference may be dictated, as it were, by the 'logic' of the implicit quantifier. This notion implies that verb differences appear by virtue of the fact that quantifiers are not explicitly stated but are left for the individual encountering the assertion to 'read in.' The obvious empirical implication of this notion is that verb effects should disappear when quantifiers are held constant by being made explicit.[33]

This largely fits our traditional thinking about enthymemes, but introduces the novel idea that the verbs in premises are the key contributors to the burden of proof naive actors place upon advocates.

It is pointless to say that IMQs are "illogical" or "unsound." This research means that "the emergence of substantial verb effects in studies of subjective inference is a persistent and reliable phenomenon."[34] IMQs are aspects of the explanative systems naive Ss bring to bear upon problems; they represent the penumbra of meaning attached to verbs and, thus, the minimal causal proof a naive actor will accept as sufficient to prove a proposition. IMQs, then, lead to explanations; and this fact suggests the commonalities between argumentation and attribution theory.

Most of the assumptions of attribution theory are nicely consistent with PCT and the present perspective: (i) actors are seen as constructive thinkers placing interpretations upon events in order to understand and control them; (ii) the search is for the rules actorsemploy to deal with events; (iii) the basic assumption is that actors follow explicit and implicit "theories" and that it is essential to understand how these theories affect their actions; (iv) behavior is thus seen as experimental--actors are testing their naive theories of personality, causality, self-characteristics, probability, and discourse; and (v) daily activities, including argument as well as communication in general, produce knowledge; thus the attribution theorists often term their domain a variety of "psychological epistemology."[35] Attribution theory fits into PCT, then, because it works equally from a man-as-scientist metaphor:

> . . .the lay attributor . . .generally acts like a good scientist, examining the covariation between a given effect and various possible causes. Under the press of time and the competition of his other

> interests, however, he often makes incomplete analyses, settling for small samples of data and incomplete data patterns. In these instances, even though his available information does not permit him to make a 'covariance analysis,' the lay attributor still uses it in a reasonable and unbiased manner.
>
> We then encounter some important exceptions, in which the available information is used in systematically biased and even erroneous ways. Our problem becomes one of trying to make sense out of this total pattern of results /the combination of biased and unbiased processes/ . . . . It is proposed that our theory of attribution must be grounded in a view of the layman as an 'applied scientist,' that is, as a person concerned about applying his knowledge of causal relations in order to exercise control of his world. This proposal is made in the belief that the person's motivation to control has consequences for his attributions and, further, that the process by which attributions are made and the nature of both the accuracies and errors they exhibit can be explained by the problems of control he commonly faces.[36]

This general conceptual analysis goes far toward explaining why IMQs are held by naive Ss to be satisfactory standards for evaluating the diagnostic value of evidence or deciding on the burden of proof for given propositions. That is, IMQs are implicit, initially satisfactory attributions--explanations that will suffice for the moment if no additional problems crop up. This seems to be a naive and implicit version of the parimony rule, i.e., do not make things more complex than they need to be. Thus, naive actors differ from scientists and philosophers by not seeking the best views:

> . . .individuals may be primarily motivated to seek a single sufficient or satisfactory explanation for any given event, rather than one that is the best of all possible explanations. That is, individuals may exert more cognitive effort in seeking an adequate explanation when none has as yet come to mind than they do in seeking for further (and possibly better) explanations when an adequarte one is already available. This bias may reflect a tendency to think of unitary events and actions as having unitary (rather than multiple) causes; individuals may assume, in effect, that no more than one sufficient explanation is likely to exist for a single phenomenon. Thus, when more than one satisfactory explanation is potentially available to an individual, which one he adopts may depend primarily on which of the various possible explanations is most salient.[38]

One appeals to the principle that gets the job done rather than to the best imaginable one. This naive process is far removed, say, from the covering law explanations of deductive explanation; and it exemplifies the distance between ordinary discourse and reasoning and the formalist treatments of their philosophic counterparts.

My critique of Toulmin's field notion for this conference specified several senses in which ordinary fields differ from their disciplinary counterparts. Most important, the various professional disciplines continually strive to "get better"--to become more compact, to derive more stable, dependable, and more widely agreed upon judgmental and veridical standards. The present formulation, however, suggests still another difference between the ordinary fields and the disciplines, viz., the primacy of "salient and sufficient" explanations. Scientists may sometimes be attracted to salient and sufficient explanations, but they do, by the very character of their enterprise, reflect upon the assumptions of an explanation. At optimum, at least, they are not supposed to be naive professional actors. They are not expected to remain in the natural attitude about professional discourse. No similar demand, however, is placed upon ordinary arguers. Unless problems crop up, the salient and sufficient explanation will be used. Nor is there anything especially wrong with this in may contexts: explanations often are able to bear an interpretative load because they are sufficiently accurate to permit accurate predictions.

Of course, salient and sufficient explanations are the root of many of the problems studied today: prejudice, discrimination, inaccurate and harmful attributions of personal characteristic not of the construct but of its place in construct systems. Whether some evidence is "sufficient," then, is not primarily a feature of the evidence: it stems instead from what the actor thinks he is doing with the evidence and from the characteristics he believes it to have.

## LOGIC, PSYCHOLOGIC, AND EVIDENCE

An important legacy of formal logic to argumentation is the belief that the truth of a conclusion is most basically grounded in the reasoning which produces it. Formally valid serials can produce false conclusions, but they do not usually do so. The assumption here is that form is somehow superior to substance in diagnostic value. We owe this to Artistotle who couched his view of essence in formal terms because substantive elements were nearly always capable of being transformed (by other forms) into different things. Thus, what a thing is "by its very nature" is most easily expressed formally. Logic thus became a science of forms. Argumentation, as an applied logic, followed suit in explaining ordinary argument and practical reasoning in formal terms. For the formalists, the tests of evidence were formal matters, even though evidence was per se a substantive element.

The field theorists changed all that. The facts of a field are, after all, substantive elements, the contents of propositions rather than the moods of a syllogism. Where formalists had explained form-substance relationships in terms of the arrangements of terms in serials, the field theorists focused upon the historical status of concepts, how they evolved through public discourse, and how they were understood through the conceptual lenses of public judgmental and veridical standards. From this perspective, all arguments could still be formally analyzed, but formal logic could never explain how and why evidence is accepted or rejected in individual fields. Moreover, formal logic could not explain the content of field dependent evidence standards, their historicity as well as the faith actors lodged in them.

Field accounts work best for the compact disciplines which have clearly articulated evidence standards. The diagnostic value and probity of evidence is, in these fields, clearly spelled out and agreed upon in advance of any given employment of them. But what of the "ordinary fields?" What are the evidence standards employed by naive actors in nondisciplinary fields? Do they employ implicit theories of evidence (in the same way that they use implicit personality theories and the like)? Just how is it that actors come to believe that they are using salient and sufficient explanations?

These are legitimate questions for many reasons. For one thing, they point to a rather different subject matter for the argumentation domain. It is a substance closely allied to ethnomethodology and attribution theory, but with a special focus upon circumstanced argument. The descriptive study of ordinary argument has been neglected in argumentation, but is a perfectly appropriate line of research for the discipline. For another thing, these questions suggest possible contributions argumentation can make to other domains, e.g., persuasion, communication, and practical reasoning theories. For example, logical systems do not possess the theoretical resources for explaining IMQs, except--arbitrarily--as "deviations from sound principles." I suggest that IMQs are merely one symptom of the intuitive bases of judgment and that there are surely many others needing study. The belief of Perelman and Olbrechts-Tyteca (quoted above) that arguments take their persuasive force from their correspondance to logical form is profoundly erroneous; and research along the lines suggested here will serve not only to expose the error more decisively but to contribute substantively to broader explanations of persuasive effects.

Western logicians and the epistemologists and argumentation theorists who followed their lead have nearly always rigorously distinguished between "reason" and "intuition" on the grounds that intuition cannot be inferential. Two main senses of "intuition" have emerged: (i) intuition which cannot be expressed inferentially--A _knows_ X but cannot express reasons for knowing X; and (ii) intuition which, while not derived inferentially, can after the fact be justified inferentially. Thus, the intuitionists and their critics have seemed to agree upon this fundamental dichotomy: intuition consists of either genuine or apparent knowledge which either cannot be inferentially expressed (or justified) or which can _post facto_ be inferentially expressed (or justified) by means which differ in kind from the original source of the knowledge.

The present formulation and the IMQ research reviewed hint at the possibility that this traditional dichotomy is false, i.e., that intuition and inference are not antagonistic polar opposites. The IMQ research displays one sense in which _intuition and inference are bound together in the complimentary enterprise of ordinary reasoning_. It will not do to retort that this is a contamination of rational thought. One would be assuming the validity of the intuition-inference dichotomy rather than arguing for it; yet the research being discussed directly calls the dichotomy into question. Moreover, one would be assuming rather than arguing for the justification of imposing logical form on ordinary thought--something that the IMQ research and the present formulation call into question.

It further will not do to say that intuition and inference, while not antagonistic, are _friendly_ polar opposites. There are certainly many such polarities on western philosophy, but the present case does not easily fit such a category. In operation, i.e., as they seem to function in practical reasoning and discourse, intuition and inference appear inseparable--so inextricably linked that only arbitrary assumptions permit conceptual distinctions. It is possible that a friendly polarity could be derived by subsuming intuition-inference under a substance-form dichotomy; but this is far too complex a possibility to pursue here. Since at least one possible interpretation of the present formulation is that intuition fits neither end of a substance-form dichotomy, this matter will require careful and extensive consideration and, for the present, must remain a fugitive possibility.

These arguments are not decisive, but they are strong enough in the present formulation to suggest that they can be made so. The epistemic and persuasive effects of evidence are but narrow elements of this larger issue. This review points, I think, to the need for an intuitionist account of evidence which clearly accounts for its uses and effects in reasoning. The natural attitude idea combined with various "quasi-logical" research programs (of which the IMQ work is but one example) comes tantalizingly close to this goal. Many questions remain, but require a more general conceptual analysis as a preliminary framework. I envision this general analysis as taking the form of an explanation of the place of intuition in argumentation and of argumentation in intuition.

## III

It is now appropriate to take up the question of the warrantability of normative statements about evidence. This is a mishievous subject for argumentation since most argument theorists have been perfectly satisfied with taking principles of formal logic and applying them to ordinary discourse. The study of how argument actually occurs and the background assumptions which make it possible has not been congenial with this normative program. Yet, given the very serious criticism of formal logic vis-a-vis ordinary discourse--and the warmth with which these criticisms have been received in argumentation--it is now clear that argumentation texts have sustained their exhaustively normative orientation only by virtue of a studied inattention to the details of their subject matter.

The evidence issue is merely a significant skirmish in the broader battle for defining the place of logic in practical reasoning. It is significant because it points the way toward the broader dispute's resolution. My argument here is that the exclusively normative content of the domain's textbooks points to a fundamental deficiency, viz., the lack of a carefully defined descriptive base for normative principles. I do not intend here to parrot Comte or the Vienna Circle that theoretic statements must be deductively derivable from propositions which has occured at the expense of badly needed conceptual analysis and research in the nature of ordinary discourse. I intend this criticism in a weak sense and a strong sense.

The weak sense of the criticism is this: preoccupation with normative proclamations about proper evidence use (as well as other features of arguments) has sent us off to the libraries to peruse logical treatises and philosophic tracts on theplace of logic in epistemology. No sustained interest developed until recently in the domain for studying argument in its natural settings. Thus, the weak sense of the criticism is that the domain of argumentation has suffered from misplaced priorities.

The strong sense of the criticism is this: preoccupation with formal logic led to the belief that researching ordinary discourse was unnecessary. Logic consisted of a body of a priori principles informing all ratiocination; specific instances would merely exemplify logical principles. If one is a card-carrying rationalist, one needs little more than these assumptions to dismiss naturalistic research entirely. Thus, argumentation's version of rhetorical criticism amounted to little more than seeing how far an instance of discourse fell short of the ideal.

Poincaré has said that the most dangerous hypotheses are the tacit, unconscious ones "because we make them without knowing it, we are unable to abandon them."[39] The assumption that formal logic expressed relationships informing all being has been tacitly made by argumentation theorists throughout the domain's history.[40] It was hardly a unique view: most of the psychologists who tried to research the nature of practical reasoning made the same assumption. It was a not-to-be-questioned background awareness: one could understand ordinary discourse by fitting it into the formalist mold. Hence, argumentation and psychology shared a bewildering preoccupation with accounting for the differences between ordinary speech and formal logic. For the psychologists, it amounted to explaining unusual interferences and intrusions of psychological factors into otherwise neatly designed experiments. For argumentation theorists, especially those interested in rhetorical criticism, it amounted to breast-beating, bemoaning the low state of ordinary argument. In both cases, the tacit assumption that formal logic could be used to reveal the character of ordinary argument was the villian.

It can rightly be objected that everyone needs a way of looking at phenomena and that logical form is a conceptual lens, a way of looking at ordinary argument. But two things need saying about such an argument. First, most early argumentation theorists (as well as the psychologists of argument) did not use formal logic this way; they did not see it as a standpoint, perspective, or conceptual lens. It was, rather, tacitly assumed to be descriptive of the form pervading all discourse (just as Kant saw geometrical unity in all movement including the movements of the "moral law within?). The second objection, however, is possibly more decisive although much harder to formulate. It goes like this: if one recognizes that one is using logic as a conceptual lens--that it is something less than the fundamental harmony of the universe--then one presumably has this recognition because one can specify the sense in which other factors interplay with the militate against logic. A lens, after all, magnifies--brings one closer to the phenomena under scrutiny. If the lens itself *has effects on the objects being studied*, it would be plain silly to use the lens without having a secure understanding of those effects. Scientists who use electron microscopes know that the activity involved in observing organisms and objects itself can affect the things under study and can distort one's vision of the objects. Thus, a field has emerged which preoccupies itself not with the things studied but with the effects of using electron microscopes per se upon the objects observed. Electronmicroscopists may be said to know a great deal about these effects (otherwise it would be foolish to even use the instruments); yet, the existence of the field as a self-sustaining scholarly domain testifies to the existence of many unanswered questions.

A biologist can be pardoned if he assumes that observational effects do not consist of a cell or a microbe feeling alienated because an immense eye is observing them. A psychologist of argument, conversely, can make no such assumption because he asks thinking Ss to perform specialized routines; the correspondance of the special routine to the S's usual habits of inference is surely a core question. The various "effects" (e.g., the atmosphere effect, the verb effect, etc) may be plausibly explained as results of the S's fixing his attention on a special and unusual task rather than features of his ordinary inferences. More likely, these effects are multiple-caused, created by both the specialized task and by the S's habits. Yet this is by no means clear.

The various offshoots of PCT research hint at a possible research line for argument that might avoid these perplexities. Instead of asking Ss to work with, say, semantic differentials with the E's adjectives at their poles, the PCT researchers mostly elicit the S's adjectives and the comparisons and contrasts the S prefers to draw. The difference is between seeing how well an S works with the E's constructs and seeing how well he works with his own constructs. This avoids Roger Brown's famous question "is a boulder sweet or sour?" There is no reason why similar techniques cannot be employed for argument research. Instead of seeing how well Ss work with syllogisms, it might be better to see what sorts of reasoning they themselves produce in answer to some problem or task.

Verb effects are clearly evidence standards of some sort. It is an implied criticism of the research that we cannot precisely specify these effects or definitively declare them to be offshoots of the S's inferential habits rather than the fact that the S is in an odd context being asked to do odd things. The same research could be accomplished by noting the verbs S's select and how they use them when they provide their own propositions. The present formulation facilitates distinctions between an S's habits of inference and the special effects of an experimental task.

Just as ethnomethodologists and attribution theorists search for the theories people use to guide their behavior, argumentation theorists ought to search for implicit argument theories. The examples presented in the first section of this essay suggest that there are such things. Such a program may go far in explaining why people choose the strategies, accept the claims, and evaluate certain ideas as axioms in the ways they do. Probability theory, for the present purposes, is less relevant than ordinary understandings of probability.

## TESTS OF EVIDENCE

I can perhaps exemplify the force of these arguments by comparing the present program with a representative (exclusively normative) view of evidence. This may illuminate the charge that normative assumptions inform beliefs about "facts." I thus propose to engage in a running commentary upon Freeley's "tests of evidence,"[41] Freeley's approach is, I think, typical of the field, being neither more nor less normative than other texts, and can be singled out for this reason.

1. Is there enough evidence? Freeley equates this standard with "a fair

proponderance of evidence," but does not specify what this means. He states that the advocate "naturally seeks" conclusive evidence, which is at odds with the research cited above. He contrasts court standards with the persuasive requirements for given audiences, but does not specify the nature of the differences. This is an unclear and proportionately doubtful normative standard. It needs a secure descriptive base (part of which is provided by the IMQ research surveyed here). Interesting questions include "how much is enough?" In what contexts?" "Do people actually weigh evidence, balancing claims against one another?" "if so, how do they do this?" "What presuppositions affect their weighing?"

2. Is the evidence clear? The example is a code message; and Freeley apparently intends this standard to apply to the comprehension of the message. This implies that evidence artifacts have meaning in and of themselves. From the present perspective, comprehensibility is assumed to be a characteristic of the cognitive system in use rather than of the evidence in and of itself. Further, this standard presupposes that the evidence can be clear. Such a presupposition merits doubt: there are some subjects and contexts which are by nature unclear. If we amend the statement to making the evidence "as clear as possible," then who decides the standard of possibilities for clarity in a given subject? It is doubtful, then, that this standard can itself be warranted except with reference to someone's subjective evaluation of the possibilities in a field. From the present view, the interesting question is if fields have standards of clarity, how do they relate to the public system of judgmental and veridical standards? How do people use them? Are there context-embedded divergences from the norms? If so, what does this say about the norms?

3. Is the evidence consistent with other known evidence? Freeley does not specify the range of the phrase "other known evidence," what variety of evidence an evidence artifact needs to cohere with. This is a telling ambiguity in a normative standard since it leaves the focus and range of convenience of a standard up to circumstanced individuals. This could mean that the only permissable criticism of actors is that they are not omniscient. Further, the standard seems to presuppose that "consistency" is not itself a matter of interpretation. This is not tenable because we routinely encounter instances of disagreement.

Descriptively, this standard ignores a vast research literature suggesting that cognitive complexity is the determinant of the inconsistency an individual will accept. Complex systems can subsume inferentially incompatible information by virtue of higher level understandings. Thus, the normative standard ought to focus not upon consistency per se but upon the accuracy of the higher level interpretations an individual uses to understand inferentially incompatible information.

4. Is the evidence consistent within itself? Here "evidence" means a prose quotation. The standard is inapplicable to propositions (except in the most extreme instances of self-contradictory propositions) or to attributions. It assumes that consistency is not a matter of interpretation. Descriptively, we need to know where consistency stands in a person's hierarchy of evaluative standards. Most decisively, we must know whether consistency is a context-embedded standard--whether it is more appropriate to

certain subjects and contexts and not to others. Ordinary factor analytic research will not suffice for this question without careful study of actors' definitions of situation and correlations of judgmental or veridical standards and their definitions. If an actor decides that some normative standard is inappropriate to a matter, is the critic limited to merely saying that he was mistaken? Are mistakes matters of moral science? Can there be a moral hierarchy or errors?

5. Is the evidence verifiable? Here Freeley means (and I agree) that persuaders ought to identify the sources of their information to permit critical evaluation of their research. Another sense of verification, however, lurks behind this standard: can the evidence be conclusively demonstrated? Here, the field notion is essential since "conclusively demonstrate" takes its meaning and force from the standards of a field.

6. Is the source of evidence competent? No objective measure of "competence" are provided. The rough and ready rule appears to be "does the source have the proper occupational title?" Witnesses in court are discussed extensively. The descriptive question is what are the rules of thumb ordinary people use in evaluating the statements of others? This ties the evidence into traditional ethos theory and research.

7. Is the source of evidence unprejudiced? Freeley apparently means "objective." If so, this is a field dependent judgment since standards of objectivity reside in the standards in use in a field. If everyone works from personal perspectives, it is impossible to be unbiased in the sense implied by Freeley. Thus, the standard implies careful and rigorous study of the field out of which the evidence comes.

Freeley advances several other general standards, but the foregoing will perhaps suffice to illustrate the difficulties confronting exclusively normative accounts of evidence tests. If the field notion is accepted, these cannot be general standards since they take their meanings and ranges of convenience from the facts of the field from which the evidence comes. The IMQ research hints at the possiblity that ordinary actors employ their own standards or tests of evidence, however imperfectly they may be formulated and however tacitly they may be used. We cannot understand the effects of evidence without understanding these theories of evidence. Further, it is little more than academic conceit to presuppose the superiority of any body of standards until it is convincingly demonstrated that naive theories are somehow inferior. This cannot be done until a convincing picture is drawn of their character and effects.

## CONCLUSION

The natural attitude has been defended here as a useful way of looking at evidence and argument. It avoids the absolutism so common to argumentation texts' discussions of evidence and guides the search for the nature of naive theories of evidence. The IMQ research seems to demonstrate that naive actors are guided by implicit evidence theories (as well as argument theories, and causal assumptions). It is thus suggestive of the future directions of argumentation research.

My own research has been surveyed with respect to its implications for naive evidence use. Naive evidence use seems to assume that evidence artifacts are self-evident, self-sustaining, requiring no personal interpretations. Arguments often test these assumptions, causing naive actors to repair to more reasonable positions. Thus the naturalistic study of arguments and evidence use illustrates one feature of the epistemic functions of argument.

## FOOTNOTES

[1] I observed and had wrote this exchange in a tavern in Hanover, New Hampshire, in 1979. The exchange lasted approximately thirty minutes; and my script (produced from a combination of notes and memory) represents my best approximations of the words spoken, nonverbal exchanges, and affect displays of the arguers. Copies of this script can be obtained from the author, Department of Speech, Hinman Box 6046, Dartmouth College, Hanover, New Hampshire, 03755.

[2] Charles Arthur Willard, "Argument as Epistemic: Reason and Decision-Making from a Constructivist/Interactionist Point of View," Journal of the American Forensic Association, 15 (Winter, 1979), 169-191; and "Argument as Epistemic, Part II," Journal of the American Forensic Association, 15 (Spring, 1979), forthcoming.

[3] Alfred Schutz, The Phenomenology of the Social World, trans., George Walsh and Frederick Lehnert (Evanston: Northwestern University Press, 1967), p. 47.

[4] Chalres Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," Journal of the American Forensic Association, 14 (Winter, 1978), 121-140.

[5] Alfred Schutz, Collected Papers, I, The Problem of Social Reality, ed., Maurice Natason (The Hague: Martinus Nijhoff, 1962); Collected Papers, II Studies in Social Theory, ed., Arvid Broderson (The Hague: Martinus Nijhoff, 1964); Collected Papers, III, Studies in Phenomenological Philosophy, ed., I. Schutz (The Hague: Martinus Nijhoff, 1966); Reflections on the Problem of Relevance, ed., Richard Zaner (New Haven: Yale University Press, 1970); and On Phenomenology and Social Relations (Chicago: University of Chicago Press, 1970).

[6] David L. Altheide, "The Sociology of Alfred Schutz," in Jack D. Douglas and John M. Johnson, eds., Existential Sociology (Cambridge: Cambridge University Press, 1977), pp. 134-135.

[7] Charles Arthur Willard, "Some Questions about Toulmin's View of Argument Fields," paper for the SCA/AFA Summer Conference on Argumentation, Utah, 1979.

[8] See, for example, William James, Principles of Psychology, 2 vols., (New York: Holt, Rinehart, and Winston, 1890); Henri Bergson, Essai sur les Données Immediates de la Conscience (Paris: Alcan, 1938; and Henri Bergson, Durée et Simultanéité (Paris: Alcan, 1923).

[9] J.E.T Eldridge, ed., Max Weber: The Interpretation of Social Reality (New York: Scribner's, 1971); and Max Weber, From Max Weber: Essays in Sociology, trans. and ed., H.H. Gerth and D. Martindale (London: Kegan Paul, 1948); and Max Weber, The Methodology of the Social Sciences, trans and ed., E.A. Shils and H.N. Finch (New York: Free Press, 1949).

[10] Aaron V. Cicourel, Method and Measurement in Sociology (New York: Free Press, 1964); "Basic and Normative Rules in the Negotiation of Status and Role," in Hans Peter Dreitzel, ed., Recent Sociology (New York: Collier, 1970), pp. 44-49; "The Acquisition of Social Structure," in Jack D. Douglas, ed., Understanding Everyday Life (Chicago: Aldine, 1970), pp. 136-168; and Cognitive Sociology (New York: Free Press, 1974).

[11] See, for example, Joan B. Kessler, "The Social Psychology of Jury Deliberations," in Rita James Simon, ed., The Jury System in American (Beverly Hills: Sage, 1975), pp. 69-89; Harry Kalven, jr., and Hans Zeisel, The American Jury (Boston: Little, Brown, 1966); John Baldwin and Michael McConville, Jury Trials (Oxford: Clarendon Press, 1979). The whole tradition of jury research has been severely criticized on many grounds, but nearly all students of the jury according to Baldwin and McConville, agree that Juries make fairly fine evidential discriminations and that they arrive at verdicts which more or less correspond to what judges would have determined.

[12] Rex Stout, Gambit (New York: Viking, 1962).

[13] I observed and hand wrote this exchange at Logan International Airport, Boston, 1978. The arguers are two men, with all the dress accouterments of "businessmen," and were apparently acquainted prior to the argument. Complete transcript is not yet available.

[14] I observed and hand wrote this exchange in Hanover, N.H. in 1979. Complete transcript available from author, see note 1.

[15] Tape recorded in Hanover, N.H. in 1978. Transcript available from author. See note 1.

[16] A good example is J. Walter Reeves and Hoyt H. Hundson, Principles of Argumentation and Debate (Boston: Heath, 1941). One deals with "the facts" --just as they are; one gathers evidence, which displays the facts and helps settle disputes. See also John R. Pels, a, Essentials of Debate (New York: Crowell, 1937): argumentation aims uniquely at the truth or falsity of propositions, the implications of which can be erroneously interpreted. A typical example of the early approach is Lionel Crocker, Argumentation and Debate (New York: American Book Co., 1944), who employs the distinction between artistic and inartistic proofs in an unreflective way.

[17] Charles ARthur Willard, The Conception of the Auditor in Aristotelian Rhetorical Theory (Urbana: Unpublished Ph.D. Dissertation, University of Illinois, 1972).

[18] George A. Kelly, A Theory of Personality (New York: W. W. Norton, 1955). Specific application of this notion to argument appears in the author's "Reformulation," see note 4.

[19] George Pierce Baker, Principles in Argumentation (Boston: Ginn, 1896)

[20] Willard, "Some Questions About Toulmin's View of Argument Fields."

[21] Stephen Toulmin, Richard Rieke, and Allan Janik, *An Introduction to Reasoning* (New York: Macmillan, 1979), p. 34.

[22] Willard, "Some Questions About Toulmin's View of Argument Fields." Central to the thesis of this paper is the idea that the stability of "compact disciplines" such as atomic physics--the exemplar in Toulmin's exposition--is atypical of ordinary talk. The discourse characteristic of ordinary fields may differ *in kind*. Public judgmental and veridical standards are more rigorous and commonly shared in the compact disciplines than in ordinary fields--a proposition with which Toulmin would probably agree. The question is whether the scientific disciplines are useful conceptual lenses through which to view ordinary discourse. I contend they are not.

[23] Willard, "Toulmin's View of Argument Fields," note 7; and Charles Arthur Willard, "Würtzburg Revisited: Some Reasons Why the Indiction-Deduction Squabble is Irrelevant to Argumentation," paper for the SCA/AFA Summer Conference on Argumentation, Utah, 1979.

[24] Ch. Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation*, trans., John Wilkenson and Purcell Weaver (Notre Dame: University of Notre Dame Press, 1969), p. 193.

[25] *Ibid*.

[26] I am greatly indebted to the review of the literature in David E. Kanouse, "Language, Labeling, and Attribution," in Edward E. Jones, et al., *Attribution: Perceiving the Causes of Behavior* (Morristown: General Learning Press, 1971), pp. 121-136. A More complete treatment is David E. Knouse, *The Effects of Verb Type on the Cognitive Processing of English Sentences* (New Haven: Unpublished Ph.D. Dissertation, Yale University, 1968). See also Robert P. Abelson, "Psychological Implication," in Robert P. Abelson, et al., eds., *Theories of Cognitive Consistency: A Sourcebook* (Chicago: Rand McNally, 1968).

[27] Charlotte Gilson and Robert P. Abelson, "The Subjective Use of Inductive Evidence," *Journal of Personality and Social Psychology*, 2 (1965), 301-310.

[28] Kanouse, "Language, Labeling, and Attribution," p. 123.

[29] *Ibid*., p. 126.

[30] *Ibid*., pp. 126-127.

[31] *Ibid*., p. 1123.

[32] *Ibid*., pp. 122-123.

[33] *Ibid*., p. 126.

[34] *Ibid*., p. 125.

[35] Harold H. Kelley, "Attribution in Social Interaction," in Jones, pp. 1-25; see also the "Introduction," to Jones, ix-xiii.

[36] *Ibid*., p. 2.

[37] Kanouse, "Language, Labeling, and Attribution," p. 131.

[38] Charles Arthur Willard, "Intuition and Argument," unpublished paper, Department of Speech, Dartmouth College, Hanover, New Hampshire, 1979.

[39] Henri Poincaré, Science and Hypothesis, trans., W.J. Greenstreet (New York: Dover, 1952), p. 151.

[40] See the survey in Charles Arthur Willard and J. Robert Cox, "Introduction," to their Advances in Argumentation Theory and Research (Wooster: American Forensic Association, forthcoming).

[41] Austin J. Freeley, Argumentation and Debate, 3rd ed., (Belmont: Wadsworth, 1971), 97-101 passim.

# THE USE OF EVIDENCE IN VALUE ARGUMENT: A SUGGESTION

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For more than two decades the competitive debate community has actively avoided a confrontation with that type of resolution popularly known as the "proposition of value." The few times that such a proposition has appeared on a ballot, it has been voted down. While there are stirrings of the natives here and there, in such forms as "off-topic" debate (note the semantic load of that label), sporadic efforts as "parliamentary debate," and occasional articles in JAFA, the majority of the active debate community continues to push relentlessly toward policy debate based on quantitative (and, therefore, presumably, more rational) analyses.

Perhaps this steady lock-step reflects the attitudes of our technologically and scientifically based age. Perhaps it is indicative of a national outlook based on 'how much rather than 'how good.' Just as likely, is the idea that value propositions, and therefore, value arguments, are impossible to 'prove,' or to evidence satisfactorily.

Certainly, there is nothing in the literature of argumentation to shed light on the process of grounding values in the traditional methods of proof. Those occasional articles mentioned above actively bemoan this drought, but proceed to do little about it.[1] Stephen Toulmin in Reason in Ethics and (with Rieke and Janik) in An Introduction to Reasoning, discusses ethical argument;[2] however, these discussions add little to our quest, since the judgment of ethical behavior is ultimately grounded in a value expressed as the warrant. The values themselves are not brought into dispute in the examples cited; nor is much light shed on the settlement of disputes based on competing values.

Toulmin, Rieke and Janik do make a point, through the examples they use in their discussion of ethical argument, which is tangentially pertinent to this paper, however. Two of the examples they use, the question of whether a captured member of the PLO is lying when he gives false information to his captors and the question of first trimester abortions, illustrate the notion that many questions which we view as involving value arguments are really only definitional arguments.[3] In the first instance, that of the captured member of the PLO, the real point at issue is whether such a person is a soldier or a criminal terrorist. Most societies accept the notion that it is wrong for a soldier to impart information to his captors which would damage his confederates; a terrorist, who is regarded as a criminal, has no such privilege or obligation imposed on his relationship to his captors.

The abortion issue is somewhat more complex, and thus also illustrates a second notion: often definitional questions must be settled before argument over values can take place. The present argument focuses primarily on the propriety of first trimester abortions, and the slogan adopted by the anti-abortion forces -- the "right to life" -- serves primarily to cloud the issue. At its most basic level, the argument is one of definition: should the first trimester fetus be defined as a human life, with all of the rights and privileges that definition entails? The definition is the crux of the issue, for if the fetus were so defined, then the interest of the state in preserving potential life would be invoked and the precedent set in Roe vs. Wade might be substantially altered. In any event, the argument could then proceed to a genuine debate between competing values: the interest of the state in preserving potential human life versus the women's right to privacy and control of her own bodily functions. But the present debate is not, despite the popular misconception to the contrary, an argument over competing values: the pro-abortion forces do not deny the right to life or the primacy of human life as a value. Rather, they deny that the first trimester fetus can be classified as human life and thus invoke a different primary value: the women's right to privacy and control of her own bodily functions. The Supreme Court has thus far supported this interpretation of the argument; a reversal of the Court's opinion would require a re-definition of the status of the first trimester fetus, and new argument focusing on the competing values thereby brought into play.

But as we a society and as members of the debate community, have largely avoided addressing this or any other issue at the value level. And we have managed to give the impression of succeeding. However, our relentless pursuit of the tangible and the quantifiable has been in vain, for, as a moment's reflection will indicate, value questions, arguments, and judgments are intrinsic to the consideration of policy alternatives and to the process of debate as we know it.

Consider the concepts of harm and significance. Both of these concepts are value oriented. An act or event can be labelled "harmful" only insofar as it has a negative impact on something we value. Since there is no absolute standard of significance, either in terms of numbers or events, the level at which a phenomenon is labelled sufficient to justify action depends on a value orientation. Likewise, the concept of disadvantages is fundamentally value-based, since it, too, depends on the value-oriented concepts of harm and significance to justify a decision of no-action. Indeed, the notion of considering the disadvantages inherent in a course of action carries the value argument one step further, into the realm of competing values or competing means for achieving or violating a value.

Even our case orientations are really manifestations of values. The traditional "need" or "harm" is value-laden in the same manner as the concepts of harm and significance discussed above. The advantages case is value-laden in that something gained cannot be an advantage unless it embodies something which is valued. And in the 'goals' case, the goals selected must represent values held by society at large in order for the analysis to be viable.

Thus, although we have attempted to separate policy argument from value argument, the dichotomy is an artificial one. The implementation of a policy is nothing more than the manifestation of a value judgment (or a momentary value hierarchy) and the acceptance of a prediction relating a course of action to a value. In this light, even the judge's decision in a debate round is essentially a value judgment, in the sense that the decision for one team or the other is tacitly a decision that such and such a value is greater or more important than some other value and/or that the consequences of violating a particular value are greater than some other value. Thus, at the moment of decision, the judge accepts or creates a momentary value hierarchy, albeit one which may be reversed in a succeeding round.

Most value judgments and value arguments in this context can and are factually grounded. Harms, for example, are usually pragmatic and observable: death and disease serve as indices to the value of human life; hunger, housing and monetary lose are indices to the value of the quality of life. Even the so-called "philosophical harms" have pragmatic manifestations; a reduction in a freedom, such as freedom of speech, means that the behavior of some individual or group is curtailed in some specific way. The difficulty in defending these types of arguments lies in the relationship between the specific curtailment and the freedom as a whole; in other words, convincing the hearer that, to paraphrase Donna, diminishing one aspect diminishes the whole for all individuals or groups. At this point, the arguer must usually fall back on appeals to authority and historical precedent.

But even in arguments of this type, the values themselves are not the point at issue. It is indeed rare to hear (or read) someone argue against the value of human life or freedom of speech. Most so-called policy arguments revolve around one of two issues: the relationship of a fact pattern to an agreed on value, so that the argument becomes one of the degree to which a particular value is violated (or attained) by a particular policy. Alternatively, the argument may involve competing values, i.e., which values should be involked in this particular situation given this particular set of facts? So, for example, in 1978-79, many debates revolved around the issue of whether it is more important to provide meaningful employment for all of the labor force or to protect the population by keeping employment to a necessary minimum (numerous hazards presumably assault the employee, from road hazards on the way to work to a lack of safety standards in the workplace). The question to be resolved is not one of whether a value is violated, but, rather, one of which value is more important in this instance.

Often the debate developes into a dilemma: If we create more jobs, more people will die (through increased auto accidents, industrial accidents, exposure to hazardous substances, etc.). But if we fail to create more jobs, the economy will stagnate, causing increased misery and suffering. Thus, depending on the policy decision, we either increase death or we increase suffering. An alternate dilemma would read thus: If we create more jobs, more people will die (see above). But if we fail to create more jobs, more people will die (assuming Brenner's theory that unemployment kills). Either way, more people die. All such dilemmas may well be false, and demonstrating this may well be the primary function of the so-called "plan spike." In the examples cited above, for instance, the decision to somehow create more jobs could be accompanied by a companion decision regarding hazards in the workplace and on the roadway. A previously unconsidered alternative of this type serves to resolve the question of competing values, though it will undoubtedly raise other questions.

The dead-bodies syndrome, the adding up of numbers of people killed with and without the policy in dispute, may well serve to obscure the real issue, however. In its present form, it represents the first type of value argument mentioned above -- the degree to which a particular value is violated or attained by a particular policy. The value of human life is not in question, simply which policy preserves the most life. But the question may not be one of how many lives are saved, but of what other values are sacrificed along the way. Human history is replete with the notion that while human life is a pre-eminent value, it is not an absolute one. While the value of human life has certainly been displaced for less than worthy causes, it has also been sacrificed in those causes which historians, philosophers, and indeed even those doing the sacrificing have considered most noble. This pervasive unwillingness to test the value of human life against other less tangible values is yet another manifestation of discomfort with the concept of "value argument." Yet all of us make this very type of decision daily, mainly in our personal lives.

When this type of individual value argument takes place, a reversal occurs: that which we in the debate community have so long regarded as tangible -- that the threat to human life -- becomes the intangible. Likewise, that which we regard as intangible -- the threat to personal liberty (along with some intervening variables) -- becomes the tangible. Thus, we smoke despite the warnings of the Surgeon General and others, we drink pop which contains sacchrine, we drive without seat belts -- the list is endless. But in each instance, it is the threat to our lives, the probability that we will contract cancer or have an accident, that is too abstract to weigh heavily in a decision-making calculus. So perhaps we have erred in making the value of human life so absolute in competitive debate that it outweighs all other value considerations. Yet, when acting in the role of policy maker for millions of persons, how does one weigh the value of human life against other value considerations? In areas where only individual behavior is the primary target, the policy-maker might be aided by a calculation or risk (using actuarial tables and/or other statistical measurements) combined with a measurement of the level or point at which the individual is willing to sacrifice his right of choice in favor of a potentially life-saving action.[4] However, this calculus is of little assistance in areas of broad national policy where individual behavior is of little or no consequence. In these instances, risk analysis alone appears to be the only recourse: assessing the level of risk or probability that a nuclear holocaust will be precipitated by the proposed policy, and comparing that with the pursuit of peace. A careful consideration of probabilities should enable debaters, and judges, to keep these arguments in perspective. To conclude that any level of risk of widespread disaster is too great, renders debate meaningless as a decision-making tool and condemns us to live (both as individuals and as a nation) a life in which we gradually trade our birthright for a 'mess of pottage.'

Certainly, one of those other value considerations referred to above is embodied in the wording of every intercollegiate debate resolution -- although we never debate them quite this way. To be more explicit, the term 'should' which appears in every resolution is traditionally defined as "ought to be but not necessarily will be." The operant word here is "ought." If the word 'should' in the proposition is defined as 'ought' then the proposition itself can be debated as a value proposition. In terms of recent resolutions, the question becomes one of the proper role of government, as in "Resolved, that the federal government should (read 'ought' to) adopt. . .employment opportunities. . ." Treating this resolution as a value proposition, the debate is over whether it is a proper function of government to insure employment opportunities.

The same construction applies to the current resolution, "Resolved, that the federal government should (read 'ought' to) increase the regulation of mass media communication. . ." In this instance, the value of some regulation is accepted. The question is whether the proper role of government includes regulating the mass media in some additional way and/or the regulation of some additional media.

When propositions are debated in this manner, the values involved are more likely to be truly competing, for it is impossible to both provide and not provide employment opportunities or to both increase regulation and not increase regulation of mass media communication. A consideration of the national topic from this point of view should provide a reasonable means of approaching broad value questions in general, since only subsets of the question of what the role of the government ought to be can be evidentially grounded. That is, the argument must be broken into its component parts (values, goals) before it can be rationally dealt with.

As Perelman and Olbrechts-Tyteca point out, there are two types of values: abstract values, which generally constitute bases for change: and concrete values, which generally constitute bases for change; and concrete values, which are the foundations for abstract values.[5] Concrete values, which serve as subsets of abstract values, can be evidentially grounded; indeed, they can often be empirically grounded. Thus, the abstract value of liberty can be broken down into concrete values involving freedom of speech, freedom of press, freedom of religion, freedom to choose one's government, etc. Each of these concrete values can be evidentially grounded, or if necessary, decomposed further, until each yields to evidence, (as can the ones which compete against them in a given debate). The argument then becomes a hierarchical decision in terms of which value(s) should be sacrificed or diminished and which should prevail. This decision can be based on traditional criteria for the use of reasoning and evidence.

Consequently, the problem mentioned above of convincing the auditor that diminishing one aspect of a value such as freedom of speech diminishes the whole for all individuals or groups ("whole" may represent both the specific freedom in question and the abstract value of, in this instance, liberty) becomes a problem of convincing him/her that this value should figure more prominently in the hierarchy than a competing value such as public order.

There are two methods of placing values into a hierarchy; the first is the time-honored method of relating one value to another which is clearly pre-eminent. If some liberties are taken with Perelman and Olbrechts-Tyteca, and by extension, with the Classics, another method becomes apparent, the use of the classical *loci*. According to Perelman and Olbrechts-Tyteca,

> As used by classical writers, *loci* are headings under which arguments can be classified. They are associated with a concern to help a speaker's inventive efforts and involve the grouping of relevant material, so that it can be found again when required. *Loci* have accordingly been defined as storehouses for arguments.[6]

Following Perelman's example, only two of the *loci* will be discussed in any detail. The first of these is the *locus of* quantity (even Aristotle and Cicero liked for arguments to be quantifiable). Arguments from the *locus* of quantity include: a greater number of good things is more desirable than a lesser number; a good thing useful for a large number of ends is more desirable than one useful for a lesser number; that which is more lasting is preferred. This *locus* also works in the negative, since a lasting evil is more to be feared than a momentary evil. Thus, arguments showing the effectiveness of a means are generally regarded by Perelman and the classical authors as involving the *locus* of quantity.[7]

The second *locus* is that of quality, and is used primarily when the strength of numbers is challenged. *Loci* of quality tend to be used by reformers in revolt against commonly held opinions, according to Perelman. The primary arguments from quality are those of uniqueness, precariousness, and irreparability. Those things which are unique, easily threatened, and once lost are gone forever are the values, and possessions, we hold most dear. Certainly ecologists and environmentalists have used these *loci* to good advantage in slowing the destruction of the earth's ecology and environment.[8]

Other relevant *loci* include those of order (that which exists earlier is preferable and superior to that which comes later) and existence (that which exists is preferable and superior to the possible). Perhaps these two *loci* form the classical basis for presumption. Both of these *loci* can be linked to the *locus* of quantity, in terms of durability and stability, and to the *locus* of quality, in terms of uniqueness.[9]

Comparing these traditional *loci* to the types of arguments we hear in intercollegiate debate (and, perhaps, taking some additional liberties with them), it becomes apparent that many of the arguments we have so long regarded as quantitative, are, in the classical sense, qualitative, as was first indicated in the introduction to this paper. In fact, from this perspective, only the plan-meet-need (advantage) arguments are truly quantitative in the classical sense, since they deal with the effectiveness of a means.

The remainder of the traditional arguments used in debate are qualitative in nature, although the evidential grounding for these arguments may be empirical. For example, the concepts of need, advantages, and disadvantages, as indicated above, are basically qualitative, since they derive their true impact from the effect on that which is valued. These arguments generally fall into three types. The first I will term 'consequential arguments,' since they refer to the effects of specific actions; such arguments include those that predict increased inflation, nuclear war, environmental damage, and the like. To a degree, these arguments depend on quantitative loci, as they are predicted on the notion of some great, and perhaps lasting, evil. But to the extent these arguments have impact, it is due to their relationship to the loci of quality, especially those of precariousness and irreparability: the damage is easily inflected, and repaired, if at all, only with extreme difficulty.

The second category is that of "impact arguments," those which are required in order to show that the damage is truly irreparable. Specifically, this is the argument that increased numbers of people will die as a result of the consequences of the proposed policy. These arguments, too, are qualitative in nature, since they rely on the premise that human life is unique, precarious, and unreplacable.

Third is the category of the so-called 'philosophical harms,' generally those which argue that the effect of a policy is, or will be, tyranny (or some lesser form of tyranny, such as a loss of a specific freedom). This class of arguments we have long regarded as value oriented, since empirical evidence is hard to come by. From the classical perspective, this category of argument may be more quantitative than qualitative, however. Granted, the premise for such arguments is that freedom and liberty is unique, precarious, and its loss is irreparable. But this category depends for its impact on the notion that the loss of freedom poses a greater and more permanent evil, while the preservation of freedom insures the greatest number of good things.

In none of these categories of argument is the debate over the merit of the value itself; rather, the debate revolves around the degree to which the value(s) will be violated or enhanced by the proposed policy (if at all): and, to the extent that they may be violated, or enhanced which value should be given pre-eminence in the hierarchy. The first of these species of value argument (whether the value is violated at all) is, in the opinion of the author, somewhat spacious in most instances. All policy decisions entail some cost in terms of things valued; to the extent this argument has any merit, it is in establishing that the cost is either great or minimal, thus assisting in the establishing of a hierarchy. The question of whether a policy enhances a value would appear to be a legitimate one, on the other hand. Nevertheless, this question, too, is related to the question of hierarchy, since of necessity, a policy which enhances one value must diminish other values. Thus, for example, we may conclude that busing will indeed enhance the value of equality of educational opportunities; but before imposing that policy, it must be weighed against the values which are diminished, such as neighborhood schools.

Additional arguments for a specific hierarchy are to be found in the "storehouses of argument," the *loci*. Each of the *loci* suggest arguments -- both general and topic-specific -- which can be evidentially grounded and which, when developed properly, will provide a rationale for a given ordering of values: by extension, this system will also provide us with a means for dealing with the so-called 'value arguments' in a systematic fashion.

In conclusion, competitive debate, as we know it, is replete with value argument, because values are an intrinsic part of policy argument. Many of the issues which we regard as value-oriented are in reality definitional arguments and are more arguable if they are treated as such. But in few, if any, cases, are the merits of the values themselves at issue; rather, the debate is over the ordering or values into a hierarchy or the degree towhich a value is enhanced or violated. In both cases, the resolution of the argument is necessary to the decision-making process. A procedure for systematizing value-argument (i.e., grounding these arguments in evidence) can be found in Perelman's adaptation of the classics: breaking the values down into their concrete subsets and manifestations, and drawing arguments from the *loci* of quantity, quality, order and existence. These arguments can then be supported by evidence, both authoritative and empirical. By approaching value argument in this fashion, we can remove this long-neglected but vital enterprise from the realm of the esoteric and mysterious and place it in the realm of the pragmatic and 'real.'

## FOOTNOTES

[1] See for example, Joseph Wenzel and Dale J. Hample, "Toward a Rationale for Value-Centered Argument," *Journal of the American Forensic Association*, II (Winter, 1975), 121. Gerald R. Miller, "Questions of Fact and Value: Another Look," *Southern Speech Journal*, 28 (Winter, 1962), 116. Edward D. Steele and W. Charles Redding, "The American Value System: Premises for Persuasion," *Western Speech*, 26 (Spring, 1962), p. 83.

[2] Stephen E. Toulmin, *Reason in Ethnics* (Cambridge: The University Press, 1964). Also, Stephen Toulmin, Richard Rieke, and Allan Janik, *An Introduction to Reasoning* (New York: MacMillan, 1979).

[3] *Ibid*., p. 309ff.

[4] The use of cost-benefit analysis in evaluating policies to prevent or reduce self-hazardous behavior is discussed at length in an unpublished working paper: James W. Vaupel and Phillip J. Cook, "Life, Liberty and the Pursuit of Self-Hazardous Behavior," (Duke University: The Institute of Policy Sciences and Public Affairs).

[5] Chaim Perelman and L. Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* (Notre Dame: The University of Notre Dame Press, 1969; paper ed., 1971), 77-79.

[6] *Ibid* , p. 83.

[7] *Ibid*., p. 85-88.

[8] *Ibid*., p. 89-93.

[9] *Ibid*., p. 93-94.

# THE "STUDY" AS EVIDENCE AND ARGUMENT IN ACADEMIC, POLICY DEBATE

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In a continuing effort to establish death, suffering, and misery, debaters have come to rely more and more upon the use of scientific research to support their claims. In effect, the "study" has become a fifth type of evidence, added to the classics of fact, opinion, example and statistics. Unfortunately, few debaters have a solid grasp on how to approach a study as evidence or argument. The only misery clearly established in many debate rounds is that of the poor judge who is subjected to battle cries of, "What is the methodology? You do not know!" and song and dance routines to the tune of, "It's only correlational." The problem appears to be two-pronged. First of all, most debaters lack the scientific expertise to adequately analyze a study. And second, argumentation theory is particularly lacking in how to argue a study. Notably, the problem is not unique to the debate world; "real world" policy makers suffer from the same confusions. The Advisory Committee on Government Programs in the Behavioral Sciences comments, "The process of bringing knowledge into the decision-making process is little understood and yet is taken for granted as a mark of rationality."[1]

A scientific study is different from other types of evidence. The uniqueness of studies creates the confusion and the attraction. Although studies are essentially composed of facts, opinions, examples and statistics an understanding of each of these types of evidence is not adequate for a comprehensive understanding of a study. In this sense, a study follows the principle of nonsummativity, the whole is more than the sum of its parts. A study is unique in that we are provided not only with opinions (the conclusions of the study) but also the facts (observations/data) on which those opinions are based; we are provided not only facts but also with an explanation of how the observations were made; and we are provided not only statistics but also with an expert interpretation of the statistics. A study then is evidence which includes an argument for its own credibility. This unique combination gives a study the potential to "carry more weight," to be more conclusive and more credible than other types of evidence.

But as with most things in life, "you don't get something for nothing". Just as with any other type of evidence the argument must be made for the study's credibility. But, since a study is a much more complex type of evidence, a listing of source, source qualifications, and data is sorely inadequate. Without fulfilling certain burdens of proof the conclusions of a study are not worth any more than simple expert testimony. The purpose of this paper is to clarify the responsibilities one must fulfill in using a scientific study as evidence for a policy claim. Two major burdens of proof will be elaborated, the establishment of internal and external validity. Internal validity concerns the quality of the study itself and, thus, the credibility of the conclusions. External validity concerns establishing the correspondence between the conclusions of the study and the policy for which the study is offered as evidence.

## INTERNAL VALIDITY

A study is a scientific argument. Within the argumentative field of science there are constitutive rules for the acceptability of the "argument." These range from general expectations of what makes good science, to discipline and perspective specific standards. With the almost infinite variability of scientific research, this paper, perforce, is limited to a discussion of the general expectations of what makes for good scientific research. These expectations include objectivity, accuracy, and precision of observation, and logical consistency throughout the study.

Debaters frequently argue for the superiority of a study as evidence because, "It's empirical!" Webster's definition of "empirical" ranges from "relying on experience or observation alone often without due regard for system and theory" to "capable of being verified or disproved by observation or experiment."[2] The first definition is the antithesis of science. The second definition is probably what debaters are trying to imply, that scientific evidence is "stronger" than other types of evidence because the observations are systematic and objective. The major characteristic of scientific research is the striving for objectivity, for nonbiased observation. To the extent an observation is objective anyone following the same procedures should "see" the same thing. Again, we are brought back to the unique appeal of a scientific study: The conclusions of a study are based upon systematic observations which can be verified.

But the striving for objectivity is a journey towards an impossible ideal. The objectivity of a study is always a matter of degree. An argument must be made for the objectivity of a study, for the quality and credibility of the observations. If a study is empirical, the issue is what is the accuracy of the observations. Is the study replicable? Has it been replicated? With what results? Is there a flaw in any aspect of the research that would prevent another researcher from coming up with the same results?

The context in which the study is performed can have a profound effect on the objectivity of the findings. The traditional concerns are who is financing the study, what institution is the researcher working for--extraneous but potentially biasing influences. Also part of the context for a study is the theoretical perspective which guides the research. All research is based on observations made from one perspective or another. The theory or assumptions which guide the observations may not be articulated but they are implicit in any study. A theoretical perspective suggests what is problematic, where and how to look for the answer to the problem, and criteria for deciding when an answer has been found. In order to adequately assess the objectivity of a study one must know the perspective from which the observations are made. The debater needs to establish that the study is theoretically sound--that the assumptions are reasonable--and that the theory is accepted by other experts in the field.

Suggesting specific criteria for evaluating the quality of a study is somewhat difficult since studies vary in terms of logic and goals--from simple description to precise prediction. Kerlinger, however, proposes four typical components of research (the research design, methodology, measurement, and analysis)[3] which are useful to illustrate that the issues are more varied than, "What is the methodology?". Design, methodology, and measurement are particularly important in establishing the objectivity and accuracy of the observations. Analysis is important in supporting the inferential leap from observations/data to conclusions.

The research design is an issue when the study is experimental or quasi-experimental--Studies where the experimenter manipulates at least one variable in order to observe the effect on at least one other variable while exerting some control over possible "nuisance" variables. Design is the blueprint of the experiment. Important aspects of design include the selection of the independent and dependent variables, the plan for controlling the nuisance variables, determination of the sample population.[4] Campbell and Stanley suggest eight threats to the internal validity of a study which can be controlled for with proper experimental design (history, maturation, testing, instrumentation, regression, selection, mortality, and interaction of these).[5] The design of the study is important to establish that the observations are systematic, complete (no important variables left out or inadequately controlled), and accurate (the effects being observed are the result of manipulations of the independent variable and not the influence of intervening variables).

If design is the blueprint then methodology represents the procedures followed in the "building" of the study. Having a well thought-out blueprint is not a guarantee that the house will be without fault. Methodological concerns include how the subjects or sample are selected, how treatments are administered--what the researcher actually does in carrying out the research design. Once again, the issue with methodology concerns the accuracy of the observations.

Measurement is the quantification of the phenomena of interest. If the research is of an experimental design then measurement might be the quantification of the dependent variable before and after treatment. If the study is descriptive then the existence of different phenomena may be measured (the number of non-smokers who died from lung cancer in the last year, and the number of lung cancer victims of the last year who smoked). The major issues concerning measurement are the reliability and validity of the measurement instrument--is the instrument consistent and does it measure what the researcher thinks it measures?[6] Measurement then determines in part the accuracy and precision of observation.

Analysis is the compiling and making sense of the data allowing discussion of the aggregate rather than the individual. Statistics are the tool of quantitative analysis.[7] The critical questions concern the significance, appropriateness, and rigor of the statistical tests. Analysis provides the bridge from data to conclusions.

The generalization from sample data to population fact is the culmination of many a study's argument. Kerlinger cautions, "One of the gravest dangers of research--or perhaps I should say, of any human reasoning--is the inferential leap from sample data to population fact."[8] The credibility of the inference is dependent upon each component of the argument--the research design, methodology, measurement, and analysis--as well as the theoretical context. Furthermore, all of these parts must fit together as a congruent and consistent whole. The logic which guides the research must be consistent throughout the study.

Three types of logic are most common to scientific research (1) causal, (2) conditional, and (3) correlational. Even a cursory understanding of these types of logic can help immensely in evaluating and using studies. The nature of the research question dictates the logic that must be used for the research. So, for example, if the research problem concerns the effects of TV violence on children the logic must be conditional; correlational data cannot answer the question of effects. The design of the study must allow for control of nuisance variables; the statistical analysis must go beyond simple frequencies.

## EXTERNAL VALIDITY

Studies guided by different types of logic accomplish different results and thus vary in their application to policy claims. "Causality" is often a God-word in debate rounds--the ultimate criterion for action. Debaters would often like to discover the "killer" study that clearly establishes the causal claim. Unfortunately, causality in the strict scientific sense is not so easy to establish. Scientists tend to be very cautious in their claims for causality and use the term very specifically. The logic follows the form, "If, and only if A then B." The claim of a causal relationship is fairly limited in scientific research due to the strict criteria which define the relationship: (1) the events are contiguous; (2) the "cause" (A) precedes the "effect" (B); and (3) the cause is a necessary and sufficient condition for the occurrence of the effect. The stereotypical, tightly controlled laboratory experiment where alternate explanations are carefully controlled for and systematically tested attempts to fulfill these criteria. Most often the claim for a causal relationship is only made after an extensive research program (as opposed to a single study) and is dependent upon how far a researcher is willing to go out on the inferential limb. Often a causal relationship is one suggested by theory rather than verified, empirical observation.

Until the time when an extensive research program can be completed on a phenomenon, eliminating all possible alternative explanations, studies follow conditional logic, "If A then B." A claim for a conditional relationship may be based upon a single study. While control is necessary to make sure that A is the condition for the occurrence of B, it is not necessary to attempt to eliminate all possible conditions for the occurrence of B. Here the appeal of causality becomes obvious: If a causal relationship is established then to the extent that the cause could be removed through policy action then absolute solvency could be guaranteed. On the other hand, if the relationship is conditional there might be a number of conditions for the occurrence of the effects--If one of the conditions is eliminated how much will the problem be decreased?

Many of the events of concern in the making of policy decisions (death, disease, corruption of the human organism) are so complex that control becomes virtually impossible not to mention unethical. When control is impossible then observations may be made concerning the extent to which phenomena occur together or contiguously, i.e., cigarette smoking and lung cancer. Debaters appear to be well aware that correlational data doesn't guarantee the nature of a relationship between two phenomena, just that there is a relationship to a quantifiable degree.

The "problem" with studies as evidence is that they cannot guarantee truth or dictate policy. Even the finest study is limited by the extent of present day knowledge and observation powers. Policy decisions must still be based on such intangibles as values and priorities. In a particular debate round the debaters need to establish the criteria for acceptance of evidence on which to base policy. These criteria must be derived from the values and standards of policy makers--what may be the definitive study for scientists may be inadequate for the policy maker to base action on. And in other instances, what may be adequate for policy action may be inadequate for scientific conclusion. If conditionality is unreasonable to expect due to the difficulties of control then correlational data may be more than adequate. But criteria may then be offered for: the degree of correlation necessary, the absence or inadequacy of counter-studies, the preponderance of evidence suggesting the relationship, precedence of correlation standards in other analogous policy decisions, the risk of inaction if the relationship is valid versus the risk of action if the relationship is invalid.

The importance of the theoretical assumptions made in a study was pointed out earlier in the discussion of internal validity. The theoretical assumptions are especially critical in establishing external validity. The findings of a study are only "true" to the extent that the assumptions on which the research is based are true. Time may eventually illuminate the truth or falsity of the assumptions but in deciding upon what action to take now the acceptability of the assumptions usually depends upon the correspondence between the assumptions made by the researcher and the "world view" of the policy makers.

For practical reasons, any study must be somewhat limited. In supporting a policy claim with a study, the scope and generalizability of the study is a critical issue. The scope of the study determines to what population, in what time frame, and under what conditions the results are applicable. The link between a study's conclusions and a policy claim is dependent upon these three factors of generalizability.

Seldom is a researcher able to observe the entire population of interest so the population must be sampled. The question then is: Of what population, if any, is the sample representative? To what degree is it representative? Arguments for representativeness are most often made in terms of the size of the sample and the randomness of selection. When random sampling is impossible (often the case in field studies) and an inference is made to the general population then an argument must be made that the sample is not systematically biased in any ways that would affect the conclusions of the study. When one can't use a sample of the population of interest (humans have a habit of objecting to being manipulated, especially in ways which might endanger their health) the question becomes: How analogous is the test population to the population of interest on the critical factors. This has been the question concerning many of the studies done on suspected carcinogenic substances. How comparable are we to Canadian lab mice?

Another factor in establishing the generalizability of a study's conclusions is the set of conditions to which the results apply. How analogous are the conditions in the study to the conditions in the "real world"? This is particularly crucial in experimental studies. While stronger relational statements can be made from studies following conditional logic, the generalizability of the results may be limited. The conditions for control are not very like the conditions of the everyday world in which policy will be implemented.

Policy makers are concerned with the effects of action on future events. Studies tend to be bound either to the present or the past. The goal of research following conditional logic is prediction, but the time frame is usually fairly limited. We live in a dynamic world; not only are the people around us subject to change but so is the physical world and the objects which scatter its boundaries. Thus, an issue of generalizability concerns for how long, how far into the future, can we expect the conclusions of a study continue to apply before the important factors undergo too much change.

An example of a particularly fine analysis of the limitations of the generalizability of a study's conclusions is the review, by the Union of Concerned Scientists, of the NRC reactor safety study.[9] They point out that the conclusions are not applicable to all nuclear reactors but are limited to just the first 110 light water reactors. Further, the risks quantified in the study only cover the operation of the power plant not the risks of nuclear power in general such as waste disposal. The probabilities of risk suggested by the study only apply under specific conditions considered in the study--the possibility is always there that the unexpected will occur. And the study does not account for conditions of plant start-ups or shifts in safety precautions over the years. And finally, the review suggests that the results of the study are only applicable up to 1980, beyond that time, conditions and reactors will have changed too much in unforeseeable ways.

## PRAGMATICS

Obviously hours could be spent if a debater were to try to argue all of the issues concerning the credibility of a study and the applicability of the results to a policy claim. I am not advocating such a ridiculous endeavor. But I am suggesting that debaters need to have a better understanding of scientific studies in order to adequately assess and argue a study as evidence. While a study may potentially be more conclusive or credible than other types of evidence, the potential springs not from the fact that "This is Science speaking" but from the thoroughness of the argument that can be made for a study.

Reasonably, the person who introduces the study into the round needs to give some standard or warrant for the credibility of the study. Three major factors determine the extent of proof necessary (1) the controversial nature of the study's conclusions, (2) the existence of counterstudies, and (3) the importance or controversy of the policy claim. The warrant may range anywhere from general qualification of the expertise of the researcher, to evidence from other sources proclaiming the study to be good and acceptable, to specific explanation and support for the external and internal validity.

While this paper has suggested a number of issues concerning a study as evidence, the arguments indicting a study are generally of five types. In hierarchical order, according to persuasive power, they are: (1) counterstudies disprove, (2) the study is flawed--specific indictments by experts, (3) the study is flawed--general indictments by experts, (4) the study is flawed--specific indictments by the debater, and (5) general indictments by the debater. "The study is flawed" just means that something is wrong with either the internal or external validity.

One of the basic aims of scientific research is to eliminate rival hypotheses or explanations of phenomena. A counterstudy then is a very strong argument because it suggests that an alternative explanation is not only possible but also has evidence to support it. A counterstudy, in order to be plausible, must do at least an equal job of research. When this can be established then the counterstudy essentially neutralizes the argument. If the debater can combine a counterstudy with the argument that the rival study is flawed, and show that the counterstudy has surmounted the flaw/s, then the argument is turned to the advantage of the team presenting the counterstudy.

The arguments which just establish that the study is flawed usually are not as strong as the presentation of a counterstudy because the amount of damage done to the conclusions is not as clear. If a study is flawed there is still a question of the extent to which the validity of the conclusions is decreased. This is the reason why I suggest that specific indictments are superior to general indictments--the extent of damage is by definition clearer. As a rule, indictments by debaters are weaker than indictments by experts. First, debaters lack the background and training of experts. And second, even if the debater should happen to be on target the probability is that the judge will lack the expertise to adequately assess the indictment and may dismiss it as lacking in credibility.

I'm afraid misery and suffering are here to stay in debate. Hopefully however, if debaters have a better understanding of the use of studies as evidence the misery will be of objective rather than subjective reality for the judge.

## FOOTNOTES

[1] Advisory Committee on Government Programs in the Behavioral Sciences, National Research Council, The Behavioral Sciences and the Federal Government (Washington, D.C.: National Academy of Sciences, 1968) p. 45.

[2] Webster's Seventh New Collegiate Dictionary (Springfield, Massachusetts, 1971) p. 271.

[3] Fred N. Kerlinger, Foundations of Behavioral Research, Second Edition (New York: Holt, Rinehart and Winston, Inc., 1973).

[4] Roger E. Kirk, Experimental Design: Procedures for the Behavioral Sciences (Belmont, California: Brooks/Cole Publishing Company, 1968).

[5] Donald T. Campbell and Julian C. Stanley, Experimental and Quasi-Experimental Designs for Research (Chicago: Rand McNally College Publishing Company, 1963).

[6] Walter Dick and Nancy Hagerty, Topics in Measurement (New York: McGraw-Hill Book Company, 1971).

[7] For a thorough explanation of statistical techniques see: William L. Hays, Statistics for the Social Sciences, Second Edition (New York: Holt, Rinehart and Winston, Inc., 1973).

[8] Kerlinger, p. 211.

[9] Union of Concerned Scientists, The Risks of Nuclear Power Reactors: A Review of the NRC Reactor Safety Study (Cambridge, Massachusetts: Union of Concerned Scientists, 1977).

# THE LIBERAL AND THE CONSERVATIVE PRESUMPTIONS: ON POLITICAL PHILOSOPHY AND THE FOUNDATION OF PUBLIC ARGUMENT

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America and the democracies of the West have long celebrated the value of open public debate. For generations great leaders and private citizens have taken to the public forum to defend themselves, their communities, and a vision of the truth. Despite this rich tradition modern argumentation and debate theory and pedagogy abound with logical, quasi-logical, and pyschological schemata for evidence, reasoning, and evaluation while according scant attention to more abiding questions concerning the relations among individuals, governments, and the common weal. For example, scholars have recently offered "systems analysis" as a perspective sufficient to encompass the construction, presentation, and evaluation of public argument; alternative political perspectives within this system serve largely as impediments to the creation of a single decision-making calculus.[1] The purpose of this essay is to reconstruct a vision of public argument which will hopefully demonstrate the intrinsic place and merit of political philosophy within public deliberation. Toward this end I shall essay a definition of presumption--a basic element in any theory of public argument--which although grounded in individual judgment, through political philosophy, is emergent to collective action. The essay will proceed to (1) examine the characteristics and limits of public argument; (2) evaluate alternative definitions of presumption; (3) sketch a view of presumption in accord with public argument, outlining the liberal and the conservative presumptions, and, (4) suggest possible theoretical and pedagogical implications of the analysis.

## THE LIMITS OF PUBLIC ARGUMENT

In large measure our view of the nature, value, and limits of public argument is a legacy from ancient Greece. Speaking to the value of "free knowledge, free expression, and free ballot" Pericles thunders: "We Athenians are able to judge all events if we cannot originate, and instead of looking on discussion as a stumbling block in the way of action, we think it an indispensable preliminary to any wise action at all."[2] Aristotle's reflections on deliberative discourse points up the kind of practical intelligence guiding public argument and consequently furthering the best interests of the _polis_. While such knowledge could not attain the certainty of _theoria_ its virtue resided in providing probable knowledge directed "towards the concrete situation," grasping "the circumstances in their infinite variety."[3] He tells us that political speaking is "advisory"; "it urges us to do or not do something."[4] Hence, its domain is the "possible" and its objective is to advise "what should be done hereafter."[5] Although Aristotle's views are rooted in a particular cosmogony and cultural milieu, three assumptions are still central to our view of public deliberation. (1) "Speech serves to indicate the advantageous from the harmful, and hence the right from the wrong."[6] If speech cannot lead to a better course of action, despite the difficulties of disagreement, then deliberation is fruitless. (2) "Each situation has a good which intelligent inquiry can hope to discover."[7] If there is no hope that a single best alternative can be discovered, or at least one better alternative among many, then any preferential decision could be accepted without deliberation. (3) In the long run the best interests of the individual are served by advancing the interests of the community of which he is a part. If there is no link between the interests of the individual and the community, then public deliberation becomes irrelevant to decisions about future conduct. In sum, public deliberation assumes importance because it can produce and evaluate alternative courses of collective conduct which are relevant to the well-being of the individual and the community.

The Western tradition has not always placed such trust in the results of practical discourse. Still the supporting ideas of *prudentia* and *eloquentia* have from time to time been reaffirmed as necessary to generate knowledge concerning practical conduct in the world of human affairs. For example, Vico writing in the eighteenth century in behalf of the humanistic tradition issued a defense of *sensus communis*, practical wisdom, -- "not nourished on the true, but on the probable."[8] "The *sensus communis* is the sense of right and the general good that is to be found in all men, moreover, a sense that is acquired through living in the community and is determined by its structure and aims."[9] Thus, Vico sought to supplement the critica of Cartesian rationalism with the old topica. As Hans Gadamer writes, "This is the art of finding arguments and serves to develop the sense of what is convincing, which works instinctively and ex-tempore and for this very reason cannot be replaced by science."[10] Thomas Reid, echoing Vico's belief that abstract reason cannot fill the horizon of human knowledge affirmed practical intelligence generating knowledge to "direct us in the common affairs of life". . . "providing a cure for the 'moon-sickness' of metaphysics."[11] But in support of Aristotle and Vico who saw practical intelligence as a form of prudential wisdom and in contradistinction to Machievellan practicalism, Reid added that the *sensus communis* contains "the basis of a moral philosophy that really does justice to the life of society."[12]

While the idea of a community guided by common sense articulated in public argument may have its most contemporary roots in the evolution of the English liberal tradition, this idea has found its most congenial soil in the new world.[13] Enshrined in the foundation myths of our country and protected by its highest laws is the idea that a free people through public deliberation can determine their own course of government.[14] This concept was most fully developed as a theory of knowledge and praxis by the late nineteenth and early twentieth century pragmatist philosophers. While the implications of their work are too numerous to be explicated here, I would like to examine two important implications which supplement the older notions of public argument.

Over the course of Western history many governments had risen and fallen. How is it that consideration of opinions assures that ultimately wise decisions will be made? Charles Sanders Pierce reaffirming "critical commonsense" establishes a reason for evaluating all opinions, thus expanding public argument beyond Aristotle's limited notion of excellence and intellectual virtue within the polis.

> Human opinion universally tends in the long run to a definite form, which is the truth. Let any human being have enough information and exert enough thought upon any question, and the result will be that he will arrive at a certain definite conclusion, which is the same that any other mind will reach under sufficiently favorable circumstances. . . . There is, then, to every question a true answer, a final conclusion, to which the opinion of every man is constantly gravitating. He may for a time recede from it, but give him more experience and time for consideration, and he will finally approach it. The individual may not live to reach the truth; there is a residuum of error in every individual's opinions. No matter; it remains that there is a definite opinion to which mankind is, on the whole and in the long run tending. On many questions the final agreement is already reached, on all it will be reached if enough time is given. The arbitrary will or other individual peculiarities of a sufficiently large number of minds may postpone the general agreement in that opinion indefinitely; but it cannot affect what the character of that opinion shall be when it is reached.[15]

In short, Pierce believes that individual opinions formed through a process of critical deliberation will in the long run produce a true consensus. This concept broadens the Aristotelian perspective by opening to critique all opinions that cannot withstand the logical investigation of "a community of inquirers infinite in number, and capable of carrying an inquiry for an infinitely long time."[16] So important was this concept of a community of free inquiry to the evolution of enlightened self-government, that Walter Lippman concluded, "it is not possible to reject this faith in the efficacy of reason and at the same time to believe that communities of men enjoying freedom could govern themselves successfully."[17]

Whereas Pierce provided the justification for the process public argument adhering to freedom of inquiry and expression for an ultimate community of inquirers, John Dewey sought to discover the memberships of finite, concrete, and organized public. America with its various strands of nationalities, creeds, and cultures did not know the homogeneity of ancient Athens. The enthymematic basis for argument lacked a common fund of prudential wisdom. Whereas the Greek orator could rely on a common understanding undergirding the ideal of the polis, the common ends of an American public were not as clearcut. Even Pierce's ideal "community of inquiry" could not provide the necessary glue of practical interests for evaluation of what is expedient or inexpedient for ourselves as members of a community. Disillusioned with the failure of the Progressive movement to sustain its own public, Dewey considered the prerequisites for advancing the self-interests of the public.[18] Lloyd Bitzer writes:

> Why could Dewey find no identifiable and articulate public? Because, he thought, there was not a community and because the arts of communication sufficient to form community were absent. 'Without communication,' he writes, 'the public will remain shadowy and formless, speaking spasmodically for itself, but seizing and holding its shadow rather than its substance. Till the Great Society is converted into a Great community, the Public will remain in eclipse.'[19]

Bitzer's conclusion follows a long tradition of teachers of argument who have sought to increase the competence of those building and articulating public arguments. "The formation of the public requires community; and community requires the sharing of rich symbols, interests and ideas by means of communication."[20] Aristotle could assume that audiences would know and defend the ideals of Athens. A modern heterogeneous culture, however, faces the problem of identifying and establishing appropriate publics. Without spokesmen who can discover and articulate common interests and without a community which is capable of evaluating alternative interests or ends, public argument ceases to function.

At this point, I think public argument can be defined. If argument in general, as Perelman claims, "aims at a choice among possible theses,"[21] and if "a public," as Bitzer contends, is a "community of persons who share conceptions, principles, and interests and values, and who are significantly interdependent "[22] then a private disagreement becomes a public argument when the consequences of choice go beyond the interlocuters (and perhaps even the immediate audience) to involve the interests of a community. When this dispute enters a forum with more or less specific procedures for airing and adjudicating disagreement, public argument becomes public debate. The function of public argument is to generate prudential knowledge guiding the interests of individual and community. Public argument is possible only if (1) the future is undecided; (2) rational discourse can present and evaluate options for collective conduct; (3) individual judgment and action is relevant to the options expressed in discourse; (4) the process adheres to freedom of inquiry and expression in the long run establishing a true consensus; and, (5) a community of common interests can be discovered and articulated through discourse.

What are the limits of public argument? In one sense the limits are implicit in its own ideal. Public argument functions best when alternatives are undecided, capable of expression, vital, freely discovered and presented, and made articulate to all those who must suffer consequences of the outcome. Like Habermas' concept of a perfect consensus, public argument has yet to achieve its full potential.[23] Rather than examining historical and institutional problems with public argument, I would like to discuss another limitation, a way which would negate the ideal of gradual extension of rational self-interest with visionary immediacy, often precipitative of violence.

An irrefutable distinction between public argument and its negation, fanaticism--"blind commitment to an irrefragible truth"--is difficult to establish, in part because the domain of public argument continues to unfold and contract. For example, on the one hand what was viewed as an irrational or even coercive act may become interpreted as a symbolic gesture which is somehow rationally linked (or through critical explication linkable) to the identification or articulation of community interest. On the other, what was once considered within the domain of public discourse may be entrusted to experts who accord once-decideable issues the status of autonomous facts. Therefore, a definitional distinction would only reveal my own convictions as to what is appropriate for public argument rather than establish its limits.

Another approach may be more promising. It begins by admitting that "in all likelihood there has never been a period in the thousands of years of the history of the human race which is unacquainted with the fanatic and has not experienced and suffered outbreaks of blind, raging fanaticism,"[24] and asks the question: What kind of experience is characteristic of fanaticism? Following Schutz's method for examining the nature of social action, I shall endeavor to describe this experience, although, of course, the key element--The Truth which energizes and fulfills fanatical conviction--cannot be fully presented.[25]

Chaim Perelman provides a starting point for our investigation. Considering the alternative epistemological positions of dogmatism and skepticism, he writes:

> Since rhetoric proof is never completely necessary proof, the thinking man who gives his adherence to the conclusions of an argument does so by an act that commits him and for which he is responsible. The fanatic accepts the commitment, but as one bowing to an irrefragable truth; the skeptic refuses the commitment under the pretext that he does not find it sufficiently definitive.[26]

Viewed from the perspective of social action, dogmatism and skepticism become opposite sides of the same coin; both lead to the rejection of public argument. Public argument is negated to the extent that all personal beliefs need no explanation and are held as not susceptible to doubt, improvement or exception, but are nonetheless presented as integrating symbols arousing adherence through conversion or violence. In order to illustrate this phenomenon consider the great archenemies, the radical and the reactionary.

The revolutionary stands at the far left of a continuum of feeling about social action. He is a "fanatic" for no proof is necessary to defend the self-evident proposition that all must be changed. He is a skeptic also. No amount of proof can possibly make a conclusive case for standing still. Meaningful argument is never possible because different points of view are wrong. Those who cry out for permanence either have been corrupted by weakness or are simply mad. The revolutionary sees himself within the vanguard of impending change. Those who would be touched by his message have only one real option; take up his commitment to reform or be lost in the revolution.

The reason the revolutionary is impervious to argument is that he believes too much is at stake to risk his vision of perfection to even the least uncertainties of doubt and disputation. As Alvin Gouldner explains, he is "in profound tension with whatever is, however much this is an improvement over the past" because his "value commitments /are held/ as a set of 'nonnegotiable' demands on reality."[27] All changes pale beside his vision of a perfect future. Any course of action, even slightly different from his own, is a barrier to his "yet-to-be-realized Utopia."

At the far right stands the reactionary. He, too, is a fanatic, for no evidence is necessary to defend the self-evident proposition that the essential must be preserved. He is also a skeptic because no proof is possible to conclusively demonstrate a case for substantial change. He sees himself at the apex of culture. Those who would be touched by his commitment have only one option: either act within the strict precedents embodied in customs and laws or suffer the consequences. Those who disagree with him are foolish because they have been deluded into thinking that change is good when it is not, or they have been corrupted--standing to gain from the proposed measures at the expense of social order. In either case, force and deception are the only alternatives to keep the enemy at bay.

The reactionary believes that there is too much at stake to risk indecision; nor, for the unbelieving, would argument do much good. He is driven by a vision of perfection which lies in the direction of an ever-receding-perfect-past. This Edenic world view cannot accept any measure as fully restoring lost virtue. Like the radical he will always be in profound tension with whatever is--however much on going actions are legitimized by precedent.

The commitment of the radical and the reactionary to a more perfect world is in part understandable within the frame of public argument previously discussed. Any argument implies that the world is imperfect, and the arguer presents the grounds and direction for a more perfect consensus. Thus, even a strong ideological commitment does not preclude recourse to public argument. Indeed, such positions may even enhance discourse by presenting a more coherent direction than allowing ends to be defined by the particular circumstances surrounding each issue.[28] However, the limits of argument emerge when the vision supercedes all. Those who disagree (no matter how minutely) become tainted with the full weight of imperfection that needs to be redressed. Disagreement *per se* becomes a sign that the unenlightened cannot participate in a truth vital to salvation.

The temptation to be caught up in these great social visions has at times been great. The reactionary beckons all to return to an Edenic past--the past of legendary greatness and innocence. The radical calls all to a Utopian future--the future of ultimate progress and social justice. They tell us that we could be better than we are, if only we have the courage and will. Their vision of order "show us a set spectacle in which we are invited . . . to see men who have become different."[29] To be taken in by either of these dreams is to leave the realm of argument: once the truth has been grasped in its "stylized" self-evident wholeness, there is no longer room for doubt or tolerance.

A fanatical commitment to an immediate imposition of an ideal world renders him perpetually at odds with those who disagree. And disagreement inevitably arises, because in time visions of perfection differ, within a society, or between societies, or between one age and the next. Because a fanatic must reject all conclusions different than his own, that universal consensus which he hungers for will never materialize. He will know neither the peace and confidence of his forefathers, nor the triumphs and glories of the final revolution. And as he recoils from the intractability of the present, "the dream becomes everything; the world, nothing." Thus, the revolutionary--succumbing to an "ideological pathology"--reasons: "All is rubbish" and there is no sense in reforming rubbish. The reactionary reasons: all is decadence and there is no sense in respecting the rights of those who defile the very term. Unrelenting in his desire to reinstate order, he will not be satisfied until all are sacrificed to the ancient laws.

During this century the dreams of perfection have been powerful producing the nightmares of total war. Impatient with the power of sheer words, the alternative becomes sheer force. Paradoxically ultimate yearnings for perfection unleash primitive instincts for violence. Yet the fanatic "glories in the sight of the world coming to a sudden end."[31] It is a peculiar belief that his is the decisive and final battle between the forces of good and evil. If his cause is not successful, if the world will not be saved, then it is not worth saving. In the words of Eric Hoffer, "Chaos is his element."[32] In the now all too familiar patterns of revolution and counter-revolution, of purge and revolt, a process of eliminating disagreement through propaganda, suppression, imprisonment, and liquidation emerge the limits of public argument.

## TRADITIONAL THEORIES OF PRESUMPTION

Averse to the terrors of extremism, twentieth century America has typically displayed a centrist bias. Our own profession emerged during an era of "Progressive Reform," a curious movement which disavowed political ideals in favor of pragmatic recourse to the solution of social ills. In their fight to remove "corruption," the Progressives claimed to find the "middle-of-the-road," a narrow course which would avoid the naked self-interest of politics on the one shoulder and the abstraction of philosophical ideals on the other.[33] During this period many issues previously accorded deliberation in the public sphere were entrusted to the "impartial" expertise of bureaucracy.

Over fifty years ago, Warren Choate Shaw established the goal of argumentation research and pedagogy to be the "creation of a mechanical set of rules" whereby objective decisions for the public good could be reached.[34] Borrowing from the stock deliberative topoi of Hermagones[35] and John Dewey's categories of "instrumental thought,"[36] a system of argument was established whereby social problems could be treated with the pragmatic attitude desired by the progressives. The arguer was much like a mechanic who probed the function of a machine, discovered malfunctioning parts, found replacements, and tested their merits. It has been held that argumentation and debate can serve the purpose of a "decision-making instrument" only if it "deals . . . with means never with ends."[37] Recently, systems theorists have added a number of new terms and greater complexity to these categories, but still the great problem which troubled Dewey and brought about the historical end of the Progressive movement has yet to be solved. How can a public, on behalf of whose interests argument occurs, be discovered, defined, and sustained? The failure to answer, or even address, this question is reflected in the confusion surrounding various views of presumption.

In its formal role, presumption is said to be that advantage which resides with one side in a dispute which, absent the dispute, would be successful. The side which is not attributed presumption need not even argue, absent a prima facia case presented by the opposition.[38] The question, why one side is favored and the other not, is central; in its answer can be found the epistemplogical and axiological assumptions of any theory of argument. Although many explanations are possible, three considerations of presumption are most prominent: (1) a contextual rule derived from Anglo-American jurisprudence; (2) a psychological or sociological predisposition on behalf of the audience; and, (3) a logical constant in a theory of decision making.

The first explanation defines presumption by borrowing the Anglo-American jurisprudential concept that a presumption is mandated in favor of the accused's innocence.[39] This does not mean that any one person is probably innocent or in fact innocent. Rather, the rule stands as an expression of a just relation between the state and the citizen. Only when the government makes a legitimate and reasonable attempt to prove guilt need anyone defend his actions. This legal relationship has been used to explain the obligations of arguers in the public forum. Whoever brings the complaint, accusing the "status quo" of some kind of social guilt, must prove the case; whoever the complaint is lodged against need not be moved to justify actions short of a legitimate and reasonable case. However, unlike a trial, social controversy has no fixed beginning or completely standard relation between contending parties. As a result which side represents the prosecution and which the defense is never fully predetermined. Indeed, interested parties may struggle to show that their side has the advantage of representing the "status quo" (the normal course of affairs which in the name of justice should be continued until otherwise proven) while the other side has the burden of proving complaint. Thus, advocates can interpret differently historical continuance and present license and thereby place the burden of prosecution, as it were, on the other side. Finally even if a particular forum artificially fixes presumption through procedural requirement, this may give way to the interpretation of position within the argument process.

Another perspective would root presumption in the "values" and "attitudes" of the "audience." Cronkhite asserts that it can be empirically determined for any group.[40] Others suggest "an attitude test, a semantic differential, or simply a public opinion survey."[41] But how can presumption be assigned until the judge and advocates know what is at stake? Since expected discourse may not appear, since presumption is sometimes at issue in the argument, since the argument itself arises on uncertain grounds, one side cannot be assigned the advantage and the other not until the argument unfolds.

Although "the audience" might provide advocate and judge with a useful mediating construct, conceptualized audience norms are not determinative of the beginning or end of argument because ultimately it is the individual who must interpret and decide. Put differently, even if one happened to embody "the" norm, there is no guarantee that the cluster of attributes held relevant to a potential argument will be those that emerge in the process. Even if it were possible to somehow completely second-guess an individual, argumentation still involves a tension between conserving old knowledge and accepting new knowledge--such that the risk which the argumentation process confronts the individual is his alone.

A third explanation of presumption, and perhaps the most common, is the concept of presumption as a logical constant in a theory of rational argument. If presumption could be held as a logical constant, then the problem of rooting argument in audience "momentum" could be solved, establishing public argument on strictly objective grounds. A logical constant would clarify the responsibilities of advocates and judge by setting the direction and degrees of proof necessary before a need-to-be-proven position could be accepted. Rieke and Sillars explain that "traditionally it has been assumed that the audience will favor rejection of new policies--a presumption is left in favor of the status quo."[42] Why is this rational? Whately explains that "since change is not a good in itself, he who demands a change should show cause."[43] Kruger further elaborates that "the status quo is known to be functioning, however imperfectly, whereas in advocating a new policy one can only argue what will probably happen."[44] Freely echoes this feeling when he writes that "the policy in effect at the present time is presumed to be a good policy."[45] However, perhaps aware that to admit that the present policy at all times is a good one, or even a functioning one, reveals a bias, Freely also writes: "presumption does not mean that the present policy . . . is a good one."[46] This contradictory explanation is not untypical. Brockriede and Ehninger initially claim that presumption "does not evaluate."[47] It does not "say that a judgment or a policy involving existing interpretations of institutions, practices, customs, mores or value is intrinsically good." A few pages later, however, they confess that there are "fully legitimate" instances where the feelings and values of the auditor are important in determining the place of presumption.[48] If presumption does not evaluate, then how can there be exceptions?

The traditional fiction that a presumption in favor of the status quo is logically neutral has been called into question. Patrick Marsh observed that conventional wisdom favoring the status quo is not rooted in logical necessity but in conservative political philosophy. David Zarefsky continued this critique:

> If one opted for the position that change better typified human nature than did stability and therefore that it preoccupied the ground, he would be inclined toward a different set of rules for argument: now it would be an interruption of change, an argument for stability that would have to be justified.[49]

Because presumption cannot be defined by a single pattern of placement, both critics abandon political grounding, one critic because presumption becomes "confusing," the other because it becomes "arbitrary."

To say that presumption is uncertain is not to condemn it. In any dispute there is no necessary single "ground" but always a struggle to establish symbolic territory or positions on which resolutions may be evaluated. Consequently a debate may serve to order competing presumptions which are more or less uncertain because no single party in the dispute owns the territory. Thus a debate may serve not only to decide what should be done, but it may also serve to distinguish exactly what is the present system extending into the future and what would constitute deviation.

Zarefsky's contention that in order to preclude personal prejudice presumption should invariably be placed against the resolution is appropriate if argument aims only at certain knowledge, but it conceals the kind of choice which invariably must be made in science and public argument. Even in the laboratory the "lines of greatest resistance" are not followed because of practical limits of probable knowledge. In the decision to accept the truth of a statement based on probability the experimenter always must risk error. If proof standards are too high, for example, requiring an incidence of the probability of the results happening by chance to be 1 in 10,000, then the risk of rejecting a true conclusion in favor of lowering the odds against accepting a false one is incurred. On the other hand, if proof standards are too low, for example, requiring an incidence of probability of the results occurring by chance to be, say, 1 in 20, then the risk of accepting a false conclusion in favor of lowering the odds against rejecting a true conclusion is accepted.[50] As a consequence any scientist must make an inevitable choice, anchoring procedure in presumptive significance which is not held constant for all experiments and all experimenters. Similarly in public argument, where the world stands at risk, an arguer can achieve only probable knowledge from the results of deliberation and must risk rejecting a good resolution because standards for acceptance are too high or accepting a bad resolution because standards for rejection are too low.

There is an element of truth in each definition. As a jurisprudential rule, presumption reflects the notion of fairness which undergirds the process of critically testing opinion. As an audience grounded construct, presumption reflects the collective self-interests of the community who must bear the consequences of decision. As a logical constant, presumption reflects the attempt to achieve an impartial or objective position so that the best knowledge possible emerges as grounds for action. However, because each definition is only partial, alone it undercuts the concept of public argument. A jurisprudential rule cannot take into consideration that the context of decision-making itself may be part of the problem. Audience attitudes cannot account for the unique kind of risks implicit in the particular epistemological stance of the knower. Logical contancy cannot adapt itself to the kinds of personal community beliefs and interests which anchor even the most impartial procedure.

Traditional definitions of presumptions are characterized by reductionistic explanations; that is to say, each theory assumes that in any given argument a single presumption exists (or is appropriate), and that it is dictated by contextual or empirical or logical constraints. Yet two individuals can hear the same reasons supporting and opposing a resolution and disagree: one affirming a commitment to the probable truth of the resolution and the other rejecting it, or at least withholding assent. How is disagreement possible? Assuming that both are equally attentive, bright, and capable of understanding the argument the most that could be said (without continuing the argument) is that disagreement occurred because of different standards of presumption. Since public argument can never result in certainty--the future will inevitably be both more and less than we expect--all judgment must account for the consequences of risking unknown error. Of course, epistemological stances may be constructed to minimize bad decisions. (Presumption is with a certain side because I believe that the rules of the forum are fair, or that the opinion of the majority is usually right, or that asserted statements are typically false.) But since there are many possible ways to reduce the risk of making a bad decision and because not all of these methods are based on compatible premises or suggest the same determination, ultimately presumption rests with the individual assessment of risk incurred in argument. I realize that this definition of presumption gives away what was once the particular domain of the theorist. But it seems to me that what is returned is that the individual can be taught to fully understand why he or she accepts or should accept some risks and not others.

The decision to return responsibility to those engaged in argument should not be taken lightly. Presumption is a core concept, determining at least the beginning and end of argument, hence that which leads to and results from the process. However, reductionist explanations, grounded in particular epistemological methods or axiological rules, inevitably disclose less than is fully relevant, for public argument is limited only by the position of fanaticism in which truth must be fully and immediately redeemed and of complete objectivity in which knowledge is unconstrained by and not strictly relevant to the ongoing world of human affairs. Consequently, I shall endeavor to define presumption, acknowledging these limits, but hopefully more fully disclosing the grounds of possible choice.

## THE LIBERAL AND THE CONSERVATIVE PRESUMPTIONS

In the first part of the essay it was argued that social action generated by the blind passions of fanatical commitment precludes public argument. In the second part of the essay it was argued that various definitions of presumptions from a politically neutered perspective, while perhaps protecting public argument from visionary pathology, nevertheless are flawed because they cannot account for community interest or personal risk. In this section I wish to present a definition of presumption which is grounded in the epistemological tension intrinsic to argument; discuss the axiological implications of this definition; and, outline a coherent view of presumption articulated in twentieth century American liberal and conservative political philosophies.

In the arguers world, choice is uncertain, but prior thought and experience lead to expectations of what normally constitutes the accepted, approved, or beneficial courses of conduct and their contraries. "Presumption," Perelman observes, "is connected with what is normal or likely."[51] If views are held as presumption, then argument is possible. Exposure to new information, logical testing and different ideas results in either confirmation, qualification, or completely overturning presumption- or alternatively confusion, greater uncertainty, further argument. Holding prejudgment as provisional, capable of modification, engages the arguer in the world where the future is not fully disclosed; this also protects the arguer from the violent world of the visionary who must ride a single truth to heaven or perdition. But such protection has its price. Because the arguer builds cases and accepts judgments on probable truth, the possibility of error is always present. Whether the kind, direction, and degree of risk is fathomed by inchoate intuition or well-defined philosophy, still "being wrong" is always possible within a process that makes no a fortiori guarantee, at least in the short term, that any particular decision will be right.

Susan Langer conceptualizes this risk by reminding us that "every new insight is bought with the life of an older certainty."[52] Henry Johnstone explains that the tension between conserving old knowledge and changing to new knowledge is the very impulse of argument.[53] If presumption is the outcome of balancing norm and exception, then in its most essential characterization presumption is that tension between the premature denial of new knowledge, falsely retaining old knowledge, on the one hand, and the premature acceptance of new knowledge falsely denying old knowledge on the other. Although this tension is implicit in every argument, the reasons why some risks are taken and not others may not be fully understood or even rendered expressible. Over the long term, however, which risks are accepted as routine and which in so far as possible are avoided discloses the structure of presumption for an individual, method, and community. Presumption may be rendered articulate through historical understanding which reveals the kinds of risks accepted by a community, separating out core interests from the more peripheral. Presumption may be conceptualized in terms of theoretical understanding as a theorist posits what risks ought to be incurred and which not. Finally, presumption becomes expressive of individual choice as the typical interests of community and the conceived directions of theory are weighed and evaluated within the process of argument itself.

If public argument is grounded in individual risk, and if individual risk can be extended to common concerns, then public argument not only "jeapordizes" individual knowledge but also community interests.[54] Traditionally town meetings, and now their contemporary equivalents, bureaucratic decision-making sessions, have been foci for debate because the community thrives or declines pending the outcome of policy choice. However, there is an additional way in which public argument jeapordizes community interests. In a dispute over a given resolution, it may be discovered that the interests which once bound the community are no longer sufficient to sustain the group; or it may be discovered that in order to extend the rational self-interest of the whole community, the common bonds which were presumed to be its essential characterization must be revised. In the first case the community divides, in the second, it looses participation of those who are not willing to make the new agreement. Thus, overturning presumption involves risking means, deciding better or worse alternatives for extending the goals of a community. but it also involves risking ends, deciding that the purposes of a group are no longer sufficient to sustain the community.

Perelman's discussion of "abstract" and "concrete" values reveals the basis for opposing ends which may become at issue in public argument. An abstract value is universal, "valid for all people and under all circumstances," such as "truth" or "justice."[55] They "can readily be used for criticism because they are no respectors of persons and seem to provide criteria for one wishing to change the established order."[56] "A concrete value," by contrast, "is one attached to a living being, a specific group, or a particular object," such as "the Church" or "France."[57] Because abstract values elevate the conceived ideal that which exists, "they are much easier to use when one wishes to renovate."[58] Concrete values "characterize conservative argumentation" while abstract values "manifest a revolutionary spirit."[59] Although these value orders are often brought into conflict, they are not necessarily exclusive. Perelman surmises:

> It seems that there have always been people who attach more importance to one set than to the other; perhaps they form characterial families. In any case their distinctive trait would not be complete neglect of values of one kind, but subordination of these values to those of the other.[60]

The value commitments become exclusive only in the perspectives of the revolutionary who holds that all conceived abstract values must be made concrete now by complete change, and the reactionary who holds that conceived concrete values are the complete fulfillment of abstract values and must not be changed forever. The arguer must continually confront the choice between permanence and change, abstract and concrete values, holding that the most prudent course of action can be discovered or reaffirmed in the process of argument itself.

If presumption functions as a balancing concept, minimizing the likelihood of a bad decision and its consequences, then political philosophy which explains the nature, degree, and direction of acceptable and unacceptable risks is the keystone for formulating more adequate understanding of presumption, ultimately improving the reliability of individual judgment and the successful advance of community interests. However, since political philosophy emerges within dialectical reconstruction and historical controversy, any attempt to circumscribe political theory is bound to meet with limited success. To define political philosophies is itself to claim a powerful presumption. And even if political philosophies are not redefined to render articulate the exigencies of minority and majority positions or particular issues emergent in history, still "somehow, one's own position, so delicately sculpted, so majestic in its implications, is impoverished by such lables as are appropriate to describe the position of one's cruder associates."[61] But given Perelman's assumption that liberal thought, connected to the primacy of abstract values, confronts conservative thought is connected to the primacy of concrete values, it ought to be possible to lay out the premises of political theory which make a case for the minimization of risk residing in one direction or the other. Thus the following section which outlines liberal and conservative presumptions is only a beginning, but none the less an important starting point in understanding the risks confronting the arguer.

## The Liberal Presumption

Historically American liberalism has not maintained a consistent position on such issues as government power, economic regulation, and social welfare. Still, as Mulford Q. Sibley observes, it has been continually characterized by commitments to "the high-order value of liberty; receptivity to change; openness to experimentation in social and political affairs; distrust of mere tradition as a guide; the possibility of rationality in collective life; and the potential for moral and political progress."[62] Distilling these characteristics Plano and Greenberg define liberalism as:

> A political view that seeks to change the political economic or social status quo to foster the development, and well-being of the individual. Liberals regard man as a rational creature who can overcome human and natural obstacles to a good life for all without resorting to violence against the established order. Liberalism is more connected with a method of solving problems than with a specific program.[63]

This definition is not untypical. Virtually all characterizations of liberalism point to the assumption that change occurs inevitably and should be guided to the fulfillment of abstract values. Wolfe summarizes, "the liberal welcomes orderly and gradual change which can be brought about by planned endeavor and the conscious direction of social evolution."[64] In order to understand why this perspective should stand as presumptive of the normal beneficial course of affairs, it must be explained why abstract values should be elevated above concrete values. The following explanation outlines a number of premises held by political philosophers which articulate a consistent but not exhaustive or exclusive explanation.

The liberal presumption is that actions associated with change are generally prudent. The progress of civilization depends upon those who find social problems "susceptible of constant modification" and improve the situation. "Abstract values"--the goals toward which improvement tends--enable the individual to take action through conceptualizing ways to improve society, ultimately providing "man's rational control of his collective destiny."[65] To maintain an institution because of some claimed intrinsic value is normally risky because "amid ceaseless change that is inevitable in a growing organism, the institutions of the past demand progressive readaptation."[66] Consequently, the risk of the unknown--of rejecting a true proposition or accepting a false one--lies in the multiplication of arbitrary decisions which perpetuate a stagnation, constricted, and mindlessly cruel social order. Stemming from the historical beginning of liberalism, originally a movement to expand freedom by challenging the rational authority of the antiquated English jurisprudential system, the liberal nightmare remains in the actions of a decadent yet powerful reactionary regime whose hypocritical elites victimize all who would speak the truth hence rendering society incapable of improvement.[67] This view of change has been explained in terms of assumptions about human nature, law, knowledge, and social action.

Following the Rousouesque philosophy, human nature is conceived to be, if not typically good, at least susceptable to improvement.[68] The truly evil person is the exception rather than the rule. The problem which typically confronts society is that most people are kept from realizing their capabilities because of complacency; they have been conditioned to believe that the state of affairs are tolerable and not susceptable to change. In the name of petty self-interest they give up the greater freedom to which they are entitled. The law, for the most part was something created by more primitive men and continually needs to be updated.[69] In the view of Bentham, it is something filled with fictions and crusty traditions which serve as impediments to a more just order.[70] Given better laws there is no fundamental reasons why prejudicial attitudes cannot be irradicated. That which threatens all laws is not too much change but too little.

The liberal's view of knowledge reinforces his commitment to change. The liberal venerates reason.[71] The true test of an individual is whether he can advance beyond the superstitions of the past and the prejudices of the present. If reason is given a limited role, truth suppressed, facts ignored in favor of outdated sentiments, then people cannot adapt to changing conditions and suffer. Because the liberal feels a responsibility to this generation, he will often evaluate policies with the attitude of function and practice. The past generation is past and cannot have faced the same problems; moreover, they did not have the knowledge currently available. Given that knowledge is ever expanding, it becomes a duty to make use of the new opportunities and forge a better world. As a result the liberal impulse is outer directed. As long as the individual adheres to the canons of logic and the pursuit of the common good he is not in need of perfecting.[72]

From this view of knowledge stems a vision of collective action. If knowledge is ever widening, better and more relevant now than in the past, then everything can be subject to some improvement. To reply that these claims represent a minority point of view is not to say they are unacceptable because the masses as a rule are uneducated, superstitious, misled. Once they become aware of the better world then they will follow. Even if the motives of those who would argue for maintaining past courses of action are sincere (which most often they are not because apologists usually have some social station to preserve), to assume that something should be left alone because no further improvement can be brought about is the rare exception.[73]

This fervor for reform does not often move the liberal into the radical camp; taking revolutionary action would contradict many of the values which the liberal cherishes. But, as Eugene McCarthy says, the liberal "is somewhat more willing to use government for the common good than those who oppose him." Consequently, the battle is waged on the grounds of incremental improvement, and the improvement tends to take a definite direction--extending individual opportunity.[74] Reforms self-evident to the liberal are those which employ government as a tool to drag down the barriers of social discrimination and reduce human suffering. Toward this end, the liberal seeks new legislation to curb prejudice and mitigate physical-psychological harms.

Because human nature is adaptable, the liberal sees less risk in implementing a policy for the good of the whole. Indeed, he feels that blind commitments to local decision-making often aggravate problems. The individual or local decision-maker is likely to be out of touch with the complex demands of an interdependent society.[75] If a more sophisticated body of decision-makers do not act, then policies will be maintained by the selfish few which jeapordize public health and safety. If there are few restraints on economic power or local tyranny, then the individual may become crushed by transregional forces that he cannot fight, or even recognize, until it is too late.[76] In any society the opportunities for government to bring relief to the poor and suffering are virtually unlimited. Moral duty and commonsense demand that public policy fulfill this obligation.

## The Conservative Presumption

American conservatism is in the peculiar position of a political philosophy defined largely in reaction to liberalism, consequently some of its contemporary causes, such as the maintenance of free enterprise in opposition to government regulation, take on characteristics of liberalism of a perhaps bygone era. Greenberg and Plano, for example, characterize conservatism as:

> Defense of the status quo against major changes in political, economic, or social institutions of a society. The general conservative position on issues has been fairly consistently opposed to governmental regulation of the economy and civil rights legislation, and in favor of state over federal action, fiscal responsibility, decreased government spending, and lower taxes.[77]

Rather than grounding conservatism in any particular issue, it may be better to accept William Safire's definition of a conservative as a "defender of the status quo who, when change becomes necessary in tested institutions or practices prefers that it come slowly and in moderation."[78] Consequently as A. B. Wolfe posits, the conservative presumption is in favor of "the maintenance of 'social relations and processes, thought, belief, and culture, practically as they happen to be at that time.'"[79] Again the question arises, why should presumption be in favor of concrete value and permanence? How does adherence to this position typically guarantee the least risky course of action?

In distinguishing political right from left, Bernard Brock argues that the liberal accepts cultural drift and gears policies to controlling that drift. While the conservative, in contrast, rejects the drift and the institutional changes that follow. "Its policies are aimed at slowing down the drift or maintaining social policies in spite of it. These social policies are usually predicated upon the premise that it is possible to prevent these changes from taking place."[80] "Drift" to the conservative is neither inevitable nor portentous of good; rather change to uncertainty is more likely to bring about chaotic conditions. As Edmund Burke said "it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society, or on building it up again without models or patterns approved utility before his eyes."[81]

Lincoln captured this essential spirit when he wrote that "conservatism is adherence to the old and tried against the new and untried."[82]

Conservatives hold that actions associated with "permanence" are generally prudent because "abstract values" are subordinate to "concrete values." This position is rooted in the assumption that there have been institutions born into history incarnating human and (for some thinkers) divine value.[83] To invoke action sanctioned by these institutions is to maintain the tested and true pattern of civilization. "Change" and "abstract values" have a place, of course, but by and large it is an antecedent one. Because individual talents and desires are contingent, each person comes to express social choice from a private vantage point.[84] Balancing selfish notions of change against true understanding of the common good is everyone's right and responsibility. To elevate competing concepts of change in the name of abstract values, however, is to risk collapse. Stemming from the historical origins of the movement, origionally a reaction to the chaos of the French Revolution, the conservative nightmare appears in the convulsive phantasmagoria of subversion, revolution, and aftermath.[85] The risk of the unknown is the possibility that self-restraint may be abolished. As Peter Viereck contends, "He who irresponsibly incites revolutionary mob emotions against some minor abuse within a good tradition may bring the whole house crashing down on his head and find himself back in the jungle--or its ethical equivalent, the police state."[86]

Conservative philosophers hold that mankind is not naturally good or selfless. In any age the altruistic citizen is an exception because the great majority conceive of collective order in relation to short-term personal benefit. The masses are often misled to trust those who desire greater power; in the name of greater security or ease, they give up hard won freedoms. The Law was created by good men (although with some imperfections intermixed). It is viewed as a necessary restraint, a drag on those who would constrict freedom for some illusory gain.[87] Any bad law which is passed would impugn all other good and essential laws which have allowed society to flourish. What is reasoned to be a good law in any one generation will not likely be successful because man's nature is relatively permanent or intractable. Even a logical well-intentioned policy will not accomplish its objectives if it cuts too deeply against the grain of tradition.[88]

The conservative's suspicion of change is supported by his conception of knowledge. The conservative venerates tradition. The true test of any generation is whether it can achieve preceeding cultural heights.[89] If tradition is ignored, authority flaunted, the _pietas_ rent asunder, then the accumulated wisdom of the ages may perish in a single era.[90] Knowledge is not cumulative, and the conservative has pessimistic expectations for the likelihood of great new insights in a single generation. The individual should seek to perfect himself, to be inner directed, rather than proselytize his notions of reform.

Reform is more often than not the last refuge of scoundrels. If each person's knowledge is limited, a flickering moment in time, then claims to a better world are most often the result of misunderstanding rather than new insight. Even if the advocate can convince the majority that his ideas are worthwhile, this is not a sign of truth since the masses are easily misled. Even if the advocates' motives are in the right place (which most often they aren't) only the test of time is sufficient to weigh the probity of ideas.[91]

Not all change is derided. To do so the conservative would have to deny man's yearning to achieve greater perfection--and the collective pursuit of abstract values. Totalitarian measures taken by reactionaries he cannot in good conscience tolerate. Yet, there is a direction toward which acceptable change tends. Russell Kirk argues that the conservative stands for the return of "individual responsibilities" even if in the name of "freedom" one has to risk "security."[92] Thus, reforms which are least risky to the conservative are ones that are aimed at trimming unnecessary laws, acts which inhibit individual initiative replacing personal responsibility with collective work. Since government was designed in the first place to inhibit the behavior of people, where these instruments of change are not necessary they should be abolished.

Social order is construed to be the natural relation among people who, within the limits of their own imperfections, try to work out personal problems, and, if collective action is necessary, convince their family, community, then region to take action. A government which ignores this sequence even in the name of a greater good will not be successful or desirable. If the rule is not at the minimal level of agreement, then the individual is less likely to recognize it as necessary or beneficial.[93] If this is the case he will ignore it, or failing that, no longer participate in any collective action. If the law favors him, however, promising gain at the expense of others, he will take advantage. In any society such laws exist and others are continually proposed. It is the duty of the conservative to oppose unnecessary programs and to decrease the superfluous ones that exist.

In describing the liberal and conservative presumption, I hoped to demonstrate that there are fundamental risks incurred by the placement of presumption whether or not such placement is made by inchoate intuition or well defined theory. Furthermore, that the choice to characterize permanence or change, abstract or concrete values, old or new knowledge in terms of presumed "real" or "normal" courses of prudent conduct can be explained in terms of a coherent set of premises stemming from philosophical considerations of human nature, knowledge, law, and social action. This explanation, however, is only a beginning. Historical investigation, philosophical analysis, and public argument itself may further refine the individual and community understanding of presumption. Perhaps if presumption becomes developed to the point where the future can be correctly predicted, the public argument would disappear; a single means would emerge through a single testing procedure reflecting a single terminus for individual and community interests. However, so long as doubt and controversy remain, public argument will continue. More adequate understanding of personal and community presumptions will result in understanding our own order of values and the risks which are incurred.

## PEDAGOGICAL AND THEORETICAL IMPLICATIONS

If presumption is to be constructed by participants in public argument in the roles of advocates or judges, the question arises what implications does this have for the traditional pedagogical model of debate? The initial answer is that it becomes only one model of the whole process of public argument. Viewed from the perspective of political theory, the model bears more than a little resemblance to a clash between the liberal and conservative. Consider the basic rules. The affirmative calls for a change; the negative defends the status quo. The affirmative shoulders the burden of proof, rationally demonstrating that a change would be in our best interest. The negative stands with presumption, representing the "tried and tested." The problem with this model is that it represents only one possible clash of position, and consequently truncates the process of invention and judgment. For example, if it is unequivocally assumed that the affirmative must call for a change, and that change can be articulated along the lines of the categories of decision-making, then cases are formulated by brain-storming and fitting the stuff of analysis to the categories. Alternative theoretical rationals, resolutional interpretations, and value positions become addenda that are not intrinsic to the argumentation process; as issues are supposed to be formed de novo out of the situation as logically discovered and constructed. When theoretical and value positions are predetermined for the advocates, and when the judge is supposed to operate strictly within those constraints, the political and ethical grounding, hence the breadth of possible positions, disappear. The limits of the traditional model constrict theoretical development and fragment the study of argument. At the root of the problem is the assumption of an invarient and contradictorily explained presumption.

By convention presumption has been abstracted from the debate process. It functions as a stipulated and more or less arbitrary rule at the beginning and/or end of argument. It is assigned at the beginning because there must be some pre-arranged position to argue against. It is said to rest with the negative because the affirmative bears the burden of having asserted, and if the resolution is not successfully advocated, it fails. At the conclusion the rule may be invoked in favor of the negative in case of a "tie." This convention is buttressed by assumptions that are not necessarily true: (1) that resolutions unambiguously call for change, (2) that the existing state of affairs need not be reconfirmed at any time, (3) that the negative does not defend a greater role for change, (4) that all hold stability to be the real or most prudent course of conduct, (5) that it is possible to have but a neutral view of the status quo. Since all resolutions are to some extent ambiguous, since the negative may advocate greater change, since the affirmative may represent the normal course of prudent conduct, since the process of argument itself depends upon personal risks, the conventional assumptions explaining presumption and grounding the traditional model of public debate are inadequate. It is as unreasonable to assume the affirmative always has presumption as it is to assume that the negative never has presumption. Or, to return to the language of the social sciences, all things being equal it is as dangerous to arbitrarily reject a true hypothesis as it is to arbitrarily accept a false one.

It might be argued that presumption must function as a single invariant rule in order to clarify the responsibilities of the participants in the debate process. Yet the clarity, much less the wisdom, of a rule which ignores diversity of political philosophy, cannot be adjusted to preunderstanding concerning particular resolutions, and supplants reflection and responsibility with a simplified notion of collective action is questionable. The reason why one side is favored, having but to confirm the rule, and the other side must prove itself to be the important exception are varied and to some extent private. Although presumption grounded in risk may nominally lack the clarity of a stipulated rule, because the decision of placement is the responsibility of those engaged in the process, public argument is opened to exploration of personal and philosophical understanding.

## A Proposed Structure of Presumption

Any proposed structural theory of presumption would examine the process of how the understanding of risk unfolds in the argumentation process. The structure of such unfolding is important to the invention of positions and the adjudication of argument. Presumption, here, differs from the issues surrounding the expedience or justice of the resolution in that it answers the question, given the totality of arguments in the debate, what kind of risk is being asked. Critical junctures include the statement of the resolution, the development of the affirmative position, the development of the negative position, and the relation of the decision to the particular social context.

(1) Presumption and the Resolution

The tendency to accept (or argue) resolutions in one form or another typically reveals something about the character of the judge, which side he will assign presumption, and standards for winning assent. In the world of social controversy, resolutions commonly exhibit four structural forms.

I. Resolved: that government action should be instigated.

II. Resolved: that government action should be increased.

III. Resolved: that government action should be decreased.

IV. Resolved: that government action should be eliminated.

In different times, people will prefer to see resolutions stated in one form or another. Given some of the assumptions of 20th century American liberalism acceptable propositions seem to fall into the form of increase or instigation of government action. In the best of all possible worlds, the liberal would not have to consider these alternatives because there would be perfect social justice and all government could be abolished. Yet, because this world is one of gross injustice one has to make do with the tools available. Occasionally a decrease or elimination of government action is found to be necessary where it interferes with individual rights.

The conservative prefers to see a decrease or elimination of government power.[80] In the best of all possible worlds, of course, the conservative would not have to consider a decrease or elimination of government power because government would be in perfect balance with private interests. Yet, because his government is sometimes in error, he has to consider trimming unwarranted actions. Occasionally he will value an increase or instigation of government power if civil unrest threatens established order.

This is not to say that the mere statement of a resolution determines the outcome of a debate. The willingness to participate in the argumentation process bespeaks a belief that there are important exceptions to the rules which can be proven. It is to say, however, that one side from the outset has the burden of proving itself to be correct.

### (2) Presumption and the Development of the Affirmative

If the affirmative has initial presumption, it may be lost if they interpret the resolution in a manner inconsistent with expectations. Similarly, if it does not have presumption, it may be gained by defining the resolution in an unexpected manner consistent with the listener's philosophy. Where resolutions are ambiguous the affirmative has greater latitude in definition. Where they are more specific, unusual interpretations may be found unacceptable. The selection of particular forms of support and kinds of reason for accepting the resolution may be even more important than the substantive arguments behind the case.

### (3) Presumption and the Development of the Negative

The negative may be granted initial presumption, but can lose it in several ways. They may take a position which is incoherent or contradictory, fails to clash with the affirmative or is inconsistent with expectations. Although the negative always maintains the option of not taking a position but simply arguing that what the affirmative contends is untrue, they do so at peril. In cases where no kind of social action is affirmed, the judge does not vote for or against the resolution but simply withholds assent.

A negative which has presumption against it may try to reclaim presumption by arguing what the normal or accepted course of public action should be. Where expectations are with a liberal view of social policy, the negative may argue for a more or less extreme position than that proposed by the affirmative. Thus an understanding of presumption can present an array of possible positions to dispute as well as prove.

### (4) Presumption and the Decision Making Context

So far it has been assumed that the argument is taking place in a context open environment; that is to say, a judge is not forced to make a decision by the particular rules of the forum in which the debate takes place. This, of course, is not always the case. External factors may influence the place of presumption. Rieke and Sillars, for example, cannot understand why bills are passed quickly at the end of legislative sessions. Believing that presumption should rest against those advocating change and finding that legislation is passed without any support they conclude that perhaps the "best case for a claim may be total silence."[81] Perhaps the situation could be clarified if explained by the manipulation of presumption. As frequently happens in the Texas State Legislature the major appropriation bill is left until the very end where the judges are left with the alternative of approving it and having state government or not approving it and having no government. Although there is always the possibility of reconvening the legislature, hesitations would have to be serious indeed before a full scale session would be reinstituted. A knowledge of how to manipulate presumption can be very powerful. Sometimes it may stifle productive debate, at other times it may forestall more esoteric objections.

The particular model of presumption presented is just one of many different ways of articulating presumption. Although it would probably work well enough given a liberal majority position and a conservative minority position on matters of public argument subject to federal government action, it cannot be extended entirely across the board. Developing structural models of presumption given various theoretical positions, resolution alternatives, contextual rules, and historical community interests is the appropriate domain of further research into public argument.

## Endnotes

[1] Allan J. Lichtman and Daniel M. Rohrer, "A Systems Approach to Presumption and Burden of Proof," in ADVANCED DEBATE: READINGS IN THEORY PRACTICE AND TEACHING, David A. Thomas ed. Skokie, Illinois: 1975, pp 3-45. Bernard L. Brock, James W. Chesebro, John F. Cragan, James Klumpp, PUBLIC POLICY DECISION-MAKING: SYSTEMS ANALYSIS AND COMPARATIVE ADVANTAGE DEBATE. New York: 1973.

[2] Pericles, "On the Crown," as cited in Russell R. Windes and Arthur Hastings, ARGUMENTATION AND ADVOCACY, New York: 1965, 1.

[3] Hans-Georg Gadamer, TRUTH AND METHOD, J.C.B. Mohrtrans, New York: 1975, 21.

[4] Aristotle, RHETORIC, in THE BASIC WORKS OF ARISTOTLE, W. Rhys Roberts trans., Richard McKeon ed., New York: 1941, 1358b 8. "Political speaking urges us either to do or not to do something: one of these two courses is always taken by private counsellors, as well as by men who address public assemblies."

[5] Aristotle, 1358b 13-15. "The Political orator is concerned with the future; it is about things to be done hereafter that he advises for or against."

[6] John Herman Randall, Jr., ARISTOTLE, New York: 1960, 254.

[7] Randall, 252.

[8] Gadamer, 21.

[9] _Ibid_.

[10] Ibid. "Vico retains the Aristotelian distinction between science and prudence, _episteme_ and _phronesis_: while science aims at 'eternal truths,' making statements about what is always and necessarily so, practical prudence is only concerned with the 'probable.' Vico shows how this latter procedure, precisely because it makes lesser theoretical claims, brings greater certainty in practice. Uncertainty with respect to action grows greater, the more rigorous the criteria for scientific verification selected for this domain. Vico therefore rejects the presumption of modern philosophy to 'carry the method of scientific judgment over into the practice of prudence." Jurgen Habermas, THEORY AND PRACTICE, John Viertel trans., Boston: 1973, 46-47.

[11] Thomas Reid, THE PHILOSOPHICAL WORKS, 8th edition, 1935, 774, as cited in Gadamer, 21.

[12] Ibid.

[13] For example see Vernon Louis Parrington, MAIN CURRENTS IN AMERICAN THOUGHT, Volume I, New York: 1927, 2-26.

[14] The idea of free government has undergone an increasing concern with the technique of process. A concern for the decision making process has its modern origins in the Progressive movement. See for example, THE AMERICAN LEVIATHAN: THE REPUBLIC IN THE MACHINE AGE, New York: 1930, 3-19.

[15] C. S. Pierce, cited in Herbert W. Schneider, A HISTORY OF AMERICAN PHILOSOPHY, New York: 1946, 517.

[16] R. Jackson Wilson, IN QUEST OF COMMUNITY: SOCIAL PHILOSOPHY IN THE UNITED STATES, 1860-1920, London: 1968, 52.

[17] Walter Lippmann, THE PUBLIC PHILOSOPHY: ON THE DECLINE AND REVIVAL OF WESTERN SOCIETY, Boston: 1955, 133.

[18] John Dewey, THE PUBLIC AND ITS PROBLEMS, New York: 1927.

[19] Lloyd Bitzer, "Rhetoric and Public Knowledge." in RHETORIC, PHILOSOPHY, AND LITERATURE: AN EXPLORATION, Don M. Burks ed., West Lafayette, Indiana: 1978, 57-58.

[20] Bitzer, 57. The domain of public knowledge includes at least "principles of public life to which we submit as conditions of living together; shared interests and aspirations: values which embody our common goals and virtues; our constitutions, laws, and rules; definitions and conceptual systems; truths expressed in literature of poetry, criticism, philosophy, aesthetics, politics, and science; the accumulated wisdom proffered by our cultural pasts; and, to these we add the personal facts of our public life." (63) From such knowledge is presumption structured and rendered articulate.

[21] Chaim Perelman and L. Olbrechts-Tyteca, THE NEW RHETORIC: A TREATISE ON ARGUMENTATION, John Wilkinson and Purcell Weaver trans., South Bend, Indiana; 1969, 62.

[22] Bitzer, 57.

[23] Jurgen Habermas, LEGITIMATION CRISIS, Thomas McCarthy, trans., Boston: 1973, 102-117.

[24] Josef Rudin, FANATICISM, Elisabeth Reinecke and Paul C. Bailey trans., South Bend, Indiana: 1965, 1.

[25] Alfred Schutz, COLLECTED PAPERS: STUDIES IN SOCIAL THEORY, Volume II, Arvid Brodersen ed., The Hague: 1964, 86. "The ideal type of social action must be constructed in such a way that the actor in the living world would perform the typified act if he had a clear and distinct scientific knowledge of all the elements relevant to his choice and the constant tendency to choose the most appropriate means for the realization of the most appropriate end."

[26] Perelman, 62.

[27] Alvin Gouldner, THE DIALECTIC OF IDEOLOGY AND TECHNOLOGY: THE ORIGINS, GRAMMAR, AND FUTURE OF IDEOLOGY, New York: 1976, 88-89.

[28] Gouldner, 89. The critic juxtaposes the tragic vision to the Utopian. "The tragic response to this chasm between real and ideal is a radical avoidance of an imputedly corrupt world; avoidance saves risking pollution of the ideal or of the self committed to it. The tragic vision entails a refusal, a great refusal to 'compromise' with the world." (88) Although resignation is a possible way not to participate in public argument, this is not the only response that can be taken. Indeed, the fanatic can always act without risking the Truth because positions that are different are wrong. The reactionary tries to purge society of those elements which are corrupt. Thus if past virtue can never be restored at least further decay can be prevented.

[29] Judith E. Schlanger, "Power and Weakness of the Utopian Imagination," DIOGENES, 19 (Winter 1973), 19. "By convention we are dealing with a universe which is entirely unreal but whose unrealistic situations are full of meaning for us."

[30] Eric Hoffer, THE TRUE BELIEVER, New York: 1951, 131.

[31] *Ibid*.

[32] *Ibid*.

[33] Dewey W. Grantham, Jr., "The Progressive Era and the Reform Tradition," MID-AMERICA: AN HISTORICAL REVIEW, 46 (October 1964), 228-229: Howard W. Allen and Jerome Clubb, "Progressive Reform and the Political System," PACIFIC NORTHWEST QUARTERLY, (July, 1974), 130-143: Richard Hofstadter, ANTI-INTELLECTUALISM IN AMERICAN LIFE, Toronto: 1962, 172-229.

[34] Warren Choate Shaw, "Systematic Analysis of Debating Problems," QUARTERLY JOURNAL OF PUBLIC SPEAKING, 2 (October 1916), 344.

[35] Lee S. Hultzen, "Status in Deliberative Analysis," in Donald C. Bryant ed., THE RHETORICAL IDIOM, Ithaca, New York: 1958, 97-123.

[36] John Dewey, HOW WE THINK, revised edition, New York: 1933.

[37] Douglas Ehninger, "Debate as Method: Limitations and Values," SPEECH TEACHER, 15 (September, 1966), 181.

[38] Although the reasons why presumption resides with or should be granted to one side in a dispute are different, the function of presumption does not vary.

[39] Wayne Thompson, MODERN ARGUMENTATION AND DEBATE, New York: 1971, 19. Douglas Ehninger and Wayne Brockriede, PRESUMPTION, BURDEN OR PROOF, AND BURDEN OF GOING FORWARD WITH THE DEBATE," In READINGS IN ARGUMENTATION, Jerry M. Anderson and Paul F. Dovre eds., Boston: 1968, 38.

[40] Gary Cronkhite, "The Locus of Presumption," CENTRAL STATES SPEECH JOURNAL, 17 (November 1966), 270.

[41] Richard D. Rieke and Malcolm O. Sillars, ARGUMENTATION AND THE DECISION MAKING PROCESS, New York: 1975. See also James H. McBath, ARGUMENTATION AND DEBATE 2nd ed., New York: 1963, 8. Malcolm O. Sillars, "Audiences, Social Values and the Analysis of Argument," SPEECH TEACHER, 22 (November 1973), 291-303.

[42] Rieke and Sillars, 160.

[43] Richard Whately, ELEMENTS OF RHETORIC, Douglas Ehninger ed. Carbondale, Illinois: 1963, 74. "A 'Presumption' in favor of any supposition, means, not (as has been sometimes erroneously imagined) a preponderance of probability in its favor, but such pre-occupation of the ground, which implies that it must stand till some sufficient reason is adduced against it." Although the good bishop is most correct in asserting that it is not necessary for what is to be correct, presumption--especially of the most prudent course of conduct--does imply an initial judgment that one side in a dispute is likely to be correct. Gadamer writes: "Historical analysis shows that it is not until the enlightenment that the concept of prejudice acquires the negative aspect we are familiar with. Actually 'prejudice' means a judgment that is given before all the elements that determine a situation have been finally examined. The negative consequence depends precisely on the positive

validity, the value of the provisional decision as a prejudgment, which is that of any precedent." (240) See Richard Weaver, "Life Without Prejudice," in LIFE WITHOUT PREJUDICE AND OTHER ESSAYS, Harvey Plotnick ed., Chicago: 1965, 1-15.

[44] Arthur Kruger, MODERN DEBATE: ITS LOGIC AND STRATEGY, New York; 1960, 40.

[45] Austin J. Freeley, ARGUMENTATION AND DEBATE: RATIONAL DECISION MAKING, Belemont, California: 1963, 16.

[46] Ibid.

[47] Douglas Ehninger and Wayne Brockriede, DECISION BY DEBATE, 2nd ed., New York: 1977, 135-136. The confusion in regard to the "neutrality" of presumption is perpetuated by the assumption that one party in a dispute literally "occupies the ground" of reality while the other is asking for change. For example, Brockriede and Ehninger explains a quarrel between Mr. A and Mr. N (in the latest edition Ms. A and Ms. N). One party is literally occupying a piece of ground and the other party requests movement. Presumption as a territorial imperative dominates the example only because the participants are devoid of human characteristics. Suppose it was Ms. N who asked Mr. A to move from the shade. Where would presumption reside? The construction of presumption to some extent depends upon the estimate of those involved in the argumentation process of what is being asked in relation to what would normally occur otherwise. See Joseph W. Wenzel, "The Contributions of Argumentation to a Rhetoric of Values," A Paper Presented at the Speech Communication Association Convention, Houston, Texas: 1975.

[48] Ehninger and Brockriede, 141.

[49] David Zarefsky, "A Reformulation of the Concept of Presumption," Paper presented at the Central States Speech Association Convention, Chicago, Illinois: 1972, 3.

[50] Ernst Nagel, "The Value-oriented Bias of Social Inquiry," in READINGS IN THE PHILOSOPHY OF SOCIAL SCIENCE, May Brodbeck ed., New York: 1968, 108-109; Gordon Hilton, INTERMEDIATE POLITOMETRICS, New York: 1976, 20-23.

[51] Perelman, 77. Stephen Toulmin, Richard Rieke and Allan Janik have recently presented an explanation of presumption in terms of "practical reasons" and pointing to the "historical variability" of presumption even in science. While this point is in agreement with the analysis of the paper, practical reasoning does not guarantee

"progressive refinement" through evolution of justification--although this is one possibility within a particular world view. See Susan Langer, PHILOSOPHY IN A NEW KEY; A STUDY IN THE SYMBOLISM OF REASON, RITE, AND ART, 3rd ed., Boston: 1978, 84, 279-281. (Toulmin et. al., AN INTRODUCTION TO REASONING, New York: 1979, 129-135.)

[52] Langer, 294.

[53] Henry W. Johnstone, Jr., "Some Reflections on Argumentation," PHILOSOPHY, RHETORIC AND ARGUMENT, Maurice Natanson and Henry Johnstone eds., University Park, Pennsylvania: 1965, 4-5.

[54] Brock et. al. maintain that "the legislative counterpart of presumption is primarily an administrative concept. The assumption favors present policies simply because it takes time and energy to change those policies, not because the policies are assumed correct. This passive presumption does not carry much weight and does not necessarily require an overwhelming case to overturn it." However, since presumption in public argument bespeaks an understanding of the status quo and the normal courses of approved conduct, and since public argument places this understanding in jeapordy, the identification of presumption as a "time and energy" barrier is only true if one holds reality as easily susceptable to change or guidance. (156)

[55] Perelman, 77. [56] *Ibid*.

[57] *Ibid*., 79. [58] *Ibid*., 77.

[59] *Ibid*., 79. Perelman classifies a number of starting points for an argument. Presumption is the starting point for public argument. As such it involves understanding of facts, values, presumptions, etc. but this understanding as a whole is placed viz-a-vis positions in the dispute. Of course the position of the individual may be consistent and well-articulated or barely understood, but presumption in an argument over public policy integrates diverse starting points.

[60] Perelman, 79.

[61] William F. Buckley, "A Symposium: What is a Liberal--What is a Conservative," COMMENTARY, 62 (September 1976), 47-48. See Thomas R. Nilsen, "Liberalism, Conservatism, and the Teacher of Speech," WESTERN SPEECH, 22 (1958), 195.

[62] Mulfod Q. Sibley, POLITICAL IDEAS AND IDEALOGIES: A HISTORY OF POLITICAL THOUGHT, New York: 1970, 490.

[63] Jack C. Plano and Milton Greenberg, THE AMERICAN POLITICAL DICTIONARY, 4th ed., Hinsdale, Illinois: 1976, 12.

[64] A. B. Wolfe, CONSERVATISM, RADICALISM, AND SCIENTIFIC METHOD, New York: 1923, 12 as cited in Bernard Lee Brock, A DEFINITION OF FOUR POLITICAL POSITIONS AND A DESCRIPTION OF THEIR RHETORICAL CHARACTERISTICS, Unpublished Dissertation.

[65] John Morley, ON COMPROMISE, London: 1874, 125-126, as cited in Sibley, 500.

[66] *Ibid*. The basic function of reason in liberal thought seems to be well established but explained in diverse ways. See Roberto Magarkira Unger, KNOWLEDGE AND POLITICS, New York: 1975, 104-142.

[67] Morley, 126.

[68] COMMENTARY, 51-81.

[69] David Spitz, ESSAYS IN THE LIBERAL IDEA OF FREEDOM, Tuscon: 1964, 127. "The central issue between conservatives and liberals may be put simply: can society be governed by the light of immutable 'right principles', as conservatives insist, or is the search for 'right principles' chimerical, as liberals argue." By placing values in terms of nearer or further approximation, change can be guided or continued in more propitious ways.

[70] Sibley, *op cit*.

[71] D. J. Manning, LIBERALISM, London: 1976, 16.

[72] Of course this does not mean that ignorance is absent, but that the direction the law should take is toward fewer restrictions while at the same time extending the benefits of rationally evaluated programs to those in need.

[73] Manning, *Ibid*.

[74] Harry K. Girvetz, THE EVOLUTION OF LIBERALISM, New York: 1963, 353-387.

[75] Girvetz, *Ibid*. [76] *Ibid*.

[77] Greenberg and Plano, 12.

[78] William Safire, SAFIRE'S POLITICAL DICTIONARY, New York: 1968, 137.

[79] Wolfe, *op cit*.

[80] Bernard Brock, 47.

[81] Hans Sperber and Travis Trittschuh, AMERICAN POLITICAL TERMS: AN HISTORICAL DICTIONARY, Detroit: 1962, 95.

[82] Ibid.

[83] Irving Louis Horowitz, IDEOLOGY AND UTOPIA IN THE UNITED STATES, 1956-1976, London, 1977, 157.

[84] Russell Kirk, PROSPECTS FOR CONSERVATIVES, New York: 1966, 212-213.

[85] Reo M. Christenson, Alan S. Engel, Dan N. Jacobs, Mostafa Rejai, Herbert Waltzer, IDEOLOGIES AND MODER POLITICS, London: 1972, 277-279. See also: Arnold Forster and Benjamin R. Epstein, DANGER ON THE RIGHT: THE RADICAL RIGHT AND EXTREME CONSERVATIVES, New York: 1964.

[86] Peter Vierack, CONSERVATISM REVISITED: THE REVOLT AGAINST REVOLT, 1815-1949, New York: 1949, 11.

[87] Russell Kirk, PROSPECTS FOR CONSERVATIVES, New York: 1956, 212-213, 43.

[88] Ibid.

[90] Kirk, 42.

[91] Kirk, 46.

[92] Kirk, 121.

[93] Horrowitz, 136.

# LIBERAL AND CONSERVATIVE PRESUMPTIONS IN PUBLIC ARGUMENT: A CRITIQUE

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There are obviously a number of methods that may be employed by a critic who is responding to the work of a colleague. The first method widely employed by the more venerable is the use of the ad hominem argument--not in Johnstone's sense of attacking a position for not proving that for which the position was never intended. Rather, I attack in subtle but clear ways the character and dignity of the author of another paper. Certainly this temptation exists for this critic. It was not in the too distant past that Professor Goodnight was heard assuring the forensics community that the tabula rasa was not a description of the mind of the President of the American Forensics Association. It was also recently that Professor Goodnight was quoted as remarking that it was he who had provided any significant contribution to argumentation theory within the past five years. (In fairness, the source of this information is highly suspect.) I will, however, attempt to avoid this temptation, as we should presume Professor Goodnight innocent of previous statements which could be interpreted as ad hominem arguments (at least until a later time).

A second strategy frequently employed by critics in situations such as these is what might be labeled the guerilla method of criticism. By this I mean the approach to criticism in which the critic launches a number of sorties at the initial paper, initiated at irregular intervals, and intended to bring attention quickly to undefended areas of the initial essay. In this sense, the critic divines a variety of large and small distracting comments about a particular essay. Such comments lament that the initial author has lapsed too frequently into stylistic weaknesses, plead that the initial author has failed to share in the critic's brilliant insights of the problem area, and finally claim that the initial author shows considerable promise. Such a criticism concludes with a sincere hope that the initial author will continue his fine efforts. This approach will also be of little value if it is unable to direct the listener to central areas of author's inquiry, and to provide reinforcement for those areas which provide greatest promise to both the author and the receiver of the criticism.

This essay will conform to the notion that criticism is well viewed as argument, and that the function of argument, as Goodnight observes, is "...to generate prudential knowledge guiding the interests of the individual and the community." Accordingly, this essay will consider three general areas: 1) Presumption and Academic Debate, 2) Presumption and the Nature of Public Argument; 3) Directions for Future Inquiries about Presumption.

## PRESUMPTION AND ACADEMIC DEBATE

The implications for academic debate provided in Professor Goodnight's essay are limited to the last few pages. In this discussion, he basically argues that a consideration of presumption can have important strategic implications for the advocate in an academic debate. More specifically, he isolates three areas in which a review of presumption should effect practices in academic debate: on the analysis of the proposition, on the analysis of the affirmative, and on the analysis of the negative (the description of the decision-making context will be considered in the second portion of this essay). The first area concerning propositions simply argues that the direction of action isolated by the proposition will be predictive (to some extent) of the advantage held by either the affirmative or negative with reference to a non-neutral presumption. This, of course, makes eminent sense. Among acquaintances in the debate community with whom I have discussed this year's debate resolution (Resolved: that the Federal Government should significantly strengthen the regulation of mass media communication in the United States), I have frequently heard the statement that it was a great area, although its direction is unfortunate. To discuss mass media is fine, but to ask that the federal government further risk violations of the first amendment made the task of the affirmative more difficult. In other words, it seems a fairly reasonable proposition that the ideological beliefs of an individual will be reflected in his/her preference for the direction of debate topics.

The notion that both the affirmative and negative can account for the political ideology of the critic in determining argument choice also seems to be a most reasonable position. The notion that the affirmative or the negative can claim presumption "by defining the resolution in an unexpected manner consistent with the listener's philosophy . . ." is consistent with several current practices discovered at a large number of intercollegiate debate tournaments. It is first consistent with the difficulty in finding a large number of critic/judges who will vote exclusively on the stock issue of inherency. If the discussion on liberal presumptions found earlier in Goodnight's essay is correct, such a tendency would reflect a large number of liberals among the ranks of debate judges. Such a statement, while a lamentable state of affairs to some, seems a fairly accurate assessment of the present state of affairs.

Goodnight's view seems consistent with a second current practice--namely the search for a variety of disastrous consequences of changes in present politices. If the liberal critic cannot be swayed by calls for restraint because of the potential of present institutions, he/she may be moved by the threat of Armageddon.

While the debate community has lacked a consistent perspective for determining strategic choices about the nature of arguments on a given resolution, it is clear that a feeling for liberal and conservative presumptions has been utilized by advocates and critics alike for some time. The contribution of this essay to that process is to highlight the reason for such choices, and to provide a framework for such reasoning. Put another way, teachers of debate have long known that some judges demanded greater levels of significance, or clearer explanations of causality than others. The relating of these choices to the general political philosophy of the critic grounds such choices in an area presumably more comfortable to argumentation theorists.

It should be clear to even the most casual observer that the central portion of Goodnight's essay is in the application of Liberal and Conservative presumptions to the general realm of public argument. To expect a theorist to apply concepts equally suitable to both academic and public debate is not reasonable. There are admittedly difficulties for anyone attempting to directly apply conceptions of academic debate to the area of public argument. First, argument within the public domain must have affective and issue relevant cognative dimensions. That is to say, it is difficult for even the most reasonable person to disassociate attitudes and beliefs held toward a particular issue from his own resolution of policies for that issue. For example, the individual who believes that current energy problems are largely the consequence of conspiratorial actions of major oil companies, would be hard pressed to accept oil and gasoline deregulation, even if the data seems fairly convincing in support of such a policy. The debate judge, on the other hand, is asked to reserve judgment to those issues presented in a specific debate. This difference is closely related to differences in the purposes of public and academic debaters. Within the context of a public debate, the participants have a vested interest in the outcome of the dispute. If their advocacy is entirely successful, then public action will become more consistent with the advocates' views. Academic debaters, on the other hand, are primarily concerned with the educational consequences of their advocacy. The question of whether the judge/audience will accept the advocate's beliefs is less important than whether the judge/audience will reinforce the debater's learning with another victory. In other words, the primacy of the pedagogical function of academic debate often means that the correspondence between argument theory for academic debate and argument theory for public advocacy will not be unity. The real strength of Goodnight's paper is found in the area of public argument. It is with this portion of the essay that I will direct the second portion of this critique.

## PRESUMPTION AND THE NATURE OF PUBLIC ARGUMENT

This portion of the essay will primarily consider the second and third portions of the Goodnight paper--namely TRADITIONAL THEORIES OF PRESUMPTION and THE LIBERAL PRESUMPTION AND THE CONSERVATIVE PRESUMPTION. The first section of the paper--THE LIMITS OF PUBLIC ARGUMENT--will be briefly considered in various parts of this section.

Three basic positions are presented within the second and third portions of the Goodnight paper: (1) that the notion of presumption ought to be a critical concept for the understanding of public argument; (2) that present conceptions of presumption are generally limited; (3) that the meshing of political philosophy and argumentation will improve the position of presumption as a valuable argumentative concept.

The first position seems a reasonable one. That presumptions should occur in an argumentative situation is consistent with our expectations about the vague state of discourse. Presumption in a sense establishes a starting place for argument, a location for players to initiate public argument. As Perelman writes: ". . . presumptions are connected with what is normal and likely."[1] This does not set them outside the domain of potential argument, as Goodnight observes: "(S)ince presumption is sometimes at issue in the argument, since the argument itself arises on uncertain grounds . . ." Certainly this is consistent with Perelman's view: "But, although presumptions also enjoy universal agreement, adherence to them falls short of being maximum, and hearers expect their adherence to be reinforced at a given moment by other elements."[2]

Even if presumption does not underscore an area where argument will not exist, its role as a point at which argument may be initiated, and from which audience adherence may be safely drawn is important. As Whately observed: "For though it may be expedient to bring forward more proofs than can be fairly demanded of you, it is always desirable when this is the case that it should be known, and that the strength of the cause should be estimated accordingly."[3] Presumption is more than a mechanism to determine the victorious advocate in the case of a tie--a position relegated presumption in much of the present practice of academic forensics. Rather, presumption serves the important function in public argument of giving the advocate some notion of where (s)he must begin and to what ends (s)he must direct his/her arguments to gain audience adherence.

At this point, it should be observed that the concepts of presumption discussed by Goodnight go beyond the presumption that asserted statements should be supported.[4] The advocate's search for presumption is one which directs him/her to discover the range of elements necessary to increase the chances of audience adherence. This is clarified in the discussion of the second basic position presented in the Goodnight essay, that present conceptions of presumption are presently limited.

Goodnight first argues that the wholesale borrowing of legal presumption for public argument is inadequate. In reality, this view of presumption--that whoever accuses the "status quo" of some kind of social guilt must prove his case--seems the same as the view of presumption as a rule or logical constant in a theory of "rational argument." It is with "a particular forum artificially fix(ing) presumption through procedural requirement . . ." that Goodnight takes issue in both parts of his essay.

The second view of presumption with which Goodnight takes issue is the view that presumption is rooted in the values and attitudes of the audience. As Goodnight argues, knowing the norms of the audience held as a collective body will do little good for the advocate attempting to convince individuals who serve as members of that audience, and who will deviate from the norm to a greater or lesser extent. Goodnight finally observes: "Even if it is possible to somehow completely second-guess an individual, argumentation still involves a tension between conserving old knowledge and accepting new knowledge--such that the risk which the argumentation process confronts the individual is his alone."

While I am in agreement that previous conceptions of presumption based on the belief structures of audiences are troublesome, I am not certain that the best strategy of attack is rooted in the individual/group effectiveness question. Put another way, the use of political philosophy as a basis for understanding presumption may still face the difficulty of assuming clustering where such an assumption is inappropriate. As Goodnight remarks "'somehow, one's own position, so delicately sculpted, so majestic in its implications, is impoverished by such labels as are appropriate to describe the position of one's cruder associates.'"

I believe that the essence of Goodnight's attack on this view of presumption is that previous audience based views of presumption have considered the wrong attitudes, values, and beliefs; they have failed to "account for the unique kind of risks implicit in the particular epistemological stance of the knower."

What Goodnight appears to desire is an accounting of the audience's attitudes toward change, and the general preference for either concrete or abstract values--those characteristics which are later described as essential elements of either a conservative or liberal political ideology. Such a criticism seems fair given the arguments made by Goodnight to support the third general concept of his essay. To summarize this position, I believe that Goodnight is correct when he argues that attitude and value models at present do not account for individual views of, and generally accepted reasons for, changes in the existing order. I do not believe that efforts to discover individual assessment of risks--unique from an audience position as a collective--will move us closer to a useful conception of presumption in public argument.

Goodnight finally takes issue with the concept of presumption viewed as a logical constant. Basically, Goodnight's indictment of such conceptualizations of presumption must reflect a political bias--that attempts to explain presumption as a logically neutral rule are doomed to failure. Even such attempts as Zarefsky's view of presumption as against any resolution must at some level account for a view of whether change is a more or less desirable state of affairs. What is important to underscore at this point is the proposition that the assessment of the risks associated with unknown risks must be a key element in presumption, and is an element which is largely undiscussed in most previous views of presumption. While Lichtman and Rohrer[5] do in fact argue that the presumption against change is based upon the risk of moving from the known to the unknown, the potential for wide variations of this risk assessment is not underscored adequately. That is, the risk viewed as associated with change will vary as the political beliefs of individuals move from conservative to liberal on a political spectrum.

The importance of personal or societal assessment of risks of change may well be the critical notion of Goodnight's essay--namely, that unless we can get a handle on what individual receivers or collective audiences will use to determine what is expected to be normal, we cannot obtain an appropriate understanding of presumption, and consequently of the appropriate initiation and unfolding of public argument.

Goodnight's efforts to provide a framework for the response to such difficulties with present conceptualization of presumption are found in his third basic position: that the meshing of political philosophy and argumentation will improve the position of presumption as a valuable argumentative concept. As Goodnight notes, his attempt here is to "lay out the premises of political theory which make a case for the minimization of risk residing in one direction or the other." As a beginning, Goodnight's efforts are commendable. Focusing upon definitions of liberal and conservative which emphasize the receiver's attitudes toward change, as well as the primacy of abstract or concrete values, Goodnight provides a reasonable case for isolating differences in the assessment of risk and hence presumption for different individuals. He concludes that such a beginning calls for further application and analysis, which seems a fair claim for the position at this stage in its development. With such further investigation, I would hope that a few concepts can be discussed. First, the moderate remains a relative unknown on the political spectrum. While it can be argued that such an ideological view would simply call for a minor alteration in the Goodnight position, it is possible that political moderate will be outside of this discussion. Those who hold views of moderation may do so because it is a way in which one can avoid argument altogether. As Baradat notes:

> If a person takes a deliberately liberal or conservative stance, he or she is likely to be called upon to defend or at least explain it. However, people who call themselves moderates can usually satisfy the listeners by saying each side has its good points. This equivocation tends to satisfy the American values of fair play and political moderation.[6]

Put another way, the individual may call himself a moderate not because he is mid-way between a conservative and a liberal. An individual may be a moderate so as to stay outside of the political process and avoid thoughts of the conflict between permanence and change.

A second difficulty for the relationship between political philosophy and presumption is the present confusion over the nature of political ideology or philosophy. While a clear and articulate ideological position may be expected among academics in general and those involved in the study of argument in particular, such may not be expected for audiences in general. The arrival of the single issue special interest advocacy appears to breach in some way the ideological roots of the conflict between permanence and change. Democratic Committee woman Koryne reports:

> It's a whole new ballgame. The right wing is using sophisticated political expertise to identify groups of voters who will respond to special interest campaigns. These are unholy alliances. . . .All they want to do is defeat the opposing candidate because of that candidate's stand on their issue.[7]

The use of the abortion issue in recent political campaigns gives reason to be concerned with efforts to distinguish liberal and conservative presumptions. This issue has cut through traditional blocs of voters who have in the past been swayed by general political consistency, but who have abandoned this in voting on single issues. "A liberal candidate," Horbal warns, "can no longer rely on the traditional bloc of votes that have in the past been the basis for our campaigns."[8]

This second section of this critique has observed a general agreement with Goodnight's conclusions that present conceptions of presumption are not well suited to the problems of public argument. It further notes that the use of political philosophy as a basis for reconceptualizing the balance between permanence and change implicit in the concept of presumption seems a uniquely useful argumentative view. While some exceptions to Goodnight's positions have been noted, I generally share in the interest in applying concepts of political philosophy to argumentation. Some further observations about the implications of Goodnight's position are found in the final portion of this critique.

## DIRECTIONS FOR FUTURE INQUIRY ABOUT THE NATURE OF PRESUMPTION

Goodnight argues that the rejection of rule-bound views of presumption for an individual assessment of risk incurred in argument allows that individual to "be taught to fully understand why he or she accepts or should accept some risk and not others." Whether such will be the case can be determined only after advocates--most likely in an academic debate setting--make some effort to put such views of presumption to an argumentative test. On the other hand, there appear to be several probable avenues of inquiry by which presumption, viewed in relation to political ideologies, could yield interesting results. Goodnight alludes to the Reike and Sillars fascination with limited or no debate on bills passed near the end of legislative sessions. Goodnight also notes a practice of many state legislatures--to consider budgets at the end of a legislative session "where the judges are left with the alternative of approving it and having state government or not approving it and having no government." To examine changes in presumption relevant to context (where, for example, a conservative presumption to question greater government interference evolves into a reactionary choice of no goverанment at all) certainly seems a fruitful area of inquiry.

To examine other communicative events in search of presumption could also offer communication critics yet other tools of inquiry. Take, for instance, the proposition advocated by David Lloyd George to the Irish people in 1916: namely, that Home Rule for Ireland ought to be accepted. For Ulster Unionists there undoubtedly existed a presumption against Home Rule which would include Ulster. For Southern Unionists, who would be left as a minority in the Catholic dominated South, there was a presumption against Home Rule--or at least against one which excluded Ulster. For the Catholic majority, there was a presumption for Home Rule (promised by the British Parliament prior to the outbreak of World War I). Discussion of the operation of presumption--or rather the variation of presumption based upon individual assessment of risks--provides an effective vehicle for analysis of situations where perceptions about what should be assumed to be normal or usual vary widely.

I believe that Professor Goodnight has offered some important insights into the discussion of public argument. To view presumption as a concept variable with the individual assessment of risk, which in turn varies according to political philosophy and appropriate value hierarchies, seems a far more fruitful perspective than formal rules or semantic differentials. This critique has posed a number of specific questions about direct applications of political ideologies to a view of presumption. But ultimately, I am in agreement with the proposition that presumption in public argument should take into account varied interests--and that the individual assessment and recognition of risks is one way in which this might be done.

## FOOTNOTES

[1] Chaim Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation (Notre Dame: Univ. of Notre Dame Press, 1969), p. 71.

[2] Perelman and Olbrechts-Tyteca, p. 70.

[3] James L. Golden and Edward P. J. Corbett, The Rhetoric of Blair, Campbell, and Whately (New York: Holt, Rinehart and Winston, 1968), p. 342.

[4] See Gary Cronkhite, "The Locus of Presumption," Central States Speech Journal, 17 (November 1966), 270-276.

[5] See Allan Lichtman, Daniel Rohrer, Joseph Misner, "The Role of Empirical Evidence in Debate: A Systems Approach," in Thomas, Advanced Debate (Skokie, Ill.: National Textbook, 1975); James Klumpp, "Debate as a Paradigm for Comparison of Alternative Policy Options." Paper presented at the Speech Communication Association National Convention, Chicago, Ill., Dec. 1974.

[6] Leon P. Baradat, Political Ideologies (Englewood Cliffs, N.J.: Prentice-Hall, 1979), p. 12.

[7] MS, August 1979, p. 58.

[8] MS, August 1979, p. 59.

# SOME QUESTIONS ABOUT TOULMIN'S VIEW OF ARGUMENT FIELDS

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## INTRODUCTION

Those of us who have followed Stephen Toulmin's work with sympathy and admiration have been encouraged by the precision and compass of his ideas and by his focus on working logics rather than a priori systems. Our affection has doubtless been rewarded by the new scope his thinking has introduced into argumentation theory. The domain is no longer a weak sister--a mere applied logic--using logico-mathematical principles to analyze ordinary discourse. This all too obvious debt should not blind us, however, to the possibility that some of Toulmin's ideas are now used to bear more theoretical weight than they can rightly be expected to sustain. The introduction to Uses stresses that the book's formulations are experimental incursions or ballons d' essai designed to draw fire.[1] This modest caveat has not prevented many scholars from treating Uses as a complete systematic treatise. The idea of argument "fields," for example, is widely used as if it were a fully articulated philosophical concept--as if it were sufficiently elaborated and self-sustaining to serve as underpinning for other ideas.[2]

I argue here that the "field" concept and its conceptual relatives are not well suited to the analysis of everyday arguments. In pursuing this theme, I defend the following claims: (i) in Uses, the field notion is unsatisfactorially clarified--its examples fail to exemplify fields; (ii) Toulmin's recent publications suggest that the field notion is synonomous with what Human Understanding calls "rational enterprises; and (iii) as developed in Understanding, the rational enterprise concept (i.e., the clarified sucessor to the field concept) is poorly suited to the analysis of ordinary argument because (a) most ordinary arguments cannot be clearly categorized into fields; and (b) the exemplary case of a rational enterprise--a "compact discipline" such as atomic physics--directs the analyst's attention away from the psychological perspectives of arguers. The implications of my arguments are that (i) the field notion is most useful to argumentation theorists as a psychological idea, taking account of the idiosyncratic perspectives of situated actors; (ii) the notion of "meaning" cannot rightly be ruled out of field dependent working logics; (iii) "fields" do not consist only of discursive, publicly stated documents; and (iv) Toulmin's exposition works best as an explanation of argument for the "compact disciplines" and less well for the "diffuse disciplines," "non-disciplines," and the "non disciplinible" domains of discourse. These propositions collapse into the single proposition that the field notion may have to be discarded unless argumentation scholars are able to defend the scientific metaphor in all relevant particulars as a way of understanding ordinary talk.

## I

To avoid the air of an unseemly scramble, I shall start by sketching in briefest compass my understanding of Toulman's position. This may serve to sharply distinguish his program from my own. Whereas I am interested in argument per se, Toulmin is a philosopher of knowledge broadly interested in knowledge in all its guises and specifically concerned with science as an archetypal way of knowing. I wish to avoid criticizing him for failing to do something he never intended to do, i.e., failing to provide a research exemplar for the study and analysis of ordinary talk. Yet, there are places in Uses where he seems to be pursuing precisely this sort of "ordinary discourse" program; and it seems necessary to broadly describe his thought in order to understand how the formulations in Uses are to be taken.[3]

It is immediately apparent that Toulmin and I come at the nature of argument from very different directions. For him, argument is but a special case of knowing; for me it is the root process underlying other avenues to knowledge. If "knowledge" is seen as a pyramid composed of various rational enterprises--the pyramid's top being comprised of the most exact, rigorous, stable, and unified enterprises ("compact disciplines"), the base of the pyramid being comprised of diffuse, fuzzy, less stable ("non-disciplinible") enterprises--Toulmin may be said to "start at the top" working downwards to explain knowledge while I advocate starting at the base, in the non-disciplinible arenas of ordinary discourse, and working upwards toward the more compact disciplines. There may be profound differences between these approaches. As I shall show, theorists working downward on the pyramid use the principles of compactness to explain diffusion while theorists working upward use the notion of argument per se to explain how greater compactness is achieved out of the diffusion of ordinary talk. Those working downward and those working upward intersect at all points on the pyramid. Interesting skirmishes ensue. I claim that Toulmin gets the better of these battles at the upward end of the pyramid (vis-a-vis the compact disciplines) but is bested at the middle of the pyramid and at its base.

The pyramid metaphor is appropriate to Toulmin's system. He is a student of knowledge who sensibly assumes that it takes different guises, that it is both public and private, and that it manifests itself in public discourse at markedly different levels of exactness, rigor, precision, and consensus. He believes that consensus is fundamental to public interaction but is disinclined to reduce all kinds of knowledge to mere voting. Topping the pyramid of rational enterprises are the compact disciplines--their conceptual repertories being exposed at every stage to "critical reappraisal and modification" according to clearly shared veridical and judgmental standards by judges whose qualifications are verified by their facility with the shared standards. Immediately below the compact are the "diffuse" disciplines--their knowledge procedures conform only "loosely" to the rigors of compact disciplines. Next come the "would-be disciplines"--they display few if any shared standards but are potentially disciplinary if standards can be agreed upon. Thus, as one moves downward on the pyramid, problems are less sharply defined; approaches to them are less clearly agreed upon or articulated; and there are fewer (or weaker) professional associations among actors in the disciplines. At the base of the pyramid, however, there are no clear links at all. These are the non-disciplinible fields--lacking shared problems, often overlapping into one another, and taking their character directly from the personal perspectives of the arguers working within them.

Atomic physics is Toulmin's most extended exemplar of a compact discipline. Diffuse disciplines are exemplified by sciences "containing" competing schools of thought concerning veridical and judgmental standards as well as differing problem foci. Would-be disciplines include many of the social sciences, psychology and sociology are discussed at length in Understanding. The fine arts are at best non-disciplines and possibly non-disciplinible--this despite the fact that Toulmin uses aesthetics as a field exemplar in Uses (admittedly an especially difficult one).

Why does our pyramid of rational enterprises need the term "disciplines?" I shall develop in the third section of this essay the idea that "fields" is a term used interchangeably and synonomously with "rational enterprises," but it is worth asking here what special distinctions the term "discipline" is intended to introduce. It is at once clear in Understanding that ordinary discourse occurs in non-disciplinible fields and that "rational enterprises" is a more precise and rigorous conception of fields because it includes disciplinary, diffuse, would-be, and non-disciplinary as well as non-disciplinible argument fields.

Disciplines aim at improvement--toward expanding and making more precise their knowledge. Their veridical and judgmental standards have evolved over time with this aim in mind. Despite their disagreements, actors within the disciplines (and the would-be disciplines) aim at greater compactness.

No such aims are manifest in non-disciplinible fields because they are defined by the psychological activities of actors rather than by public, clearly hewed-to veridical and judgmental standards. Ordinary arguers do not aim at improvement per se in the public system of discourse. They do, as I interpret Kelly's personal construct theory to say, aim at greater predictiveness in their personal construct systems, but they do not share with, say, atomic physicists the goal of making a public veridical and judgmental system more compact.

Thus, moving down the pyramid (from compactness toward diffusion), one is confronted more and more with personal rather than communal goals with respect to knowledge. Compact disciplines, Toulmin stresses, have one and only one set of standards; diffuse disciplines may have many; would-be disciplines may have many, quite incompatible systems. Choices between contending schools of thought involve personal as well as communal (public) standards. The non-disciplines and non-disciplinible fields, Toulmin says, are not or cannot be disciplines precisely because their argument standards reside in the personal points of view of arguers. Our pyramid's base, then, is comprised of the arenas of discourse which partake of many fields, which cannot easily be classified into discrete argument fields, which in fact take their character from the psychological processes of the arguers. For locutionary ease, let us call these fields "ordinary fields."

Where does Uses fit into this program? It is incorrect, I think, to say that Uses is "about" ordinary fields while Toulmin's other works are "about" science. Uses does devote more attention to ordinary fields, but its focus is upon argument as a method of searching for (and displaying) compactness. Rationality in that book is a public phenomenon, often revealed through argument, which draws its character from the "facts of a field." It emerges from the working logics of fields, ordinary or disciplinary. Yet, argumentation theorists are centrally concerned with Uses as a treatise on daily discourse; and the next section of this essay is devoted to the argument that Toulmin's system is least effective with respect to these fields. Toulmin stands at the top of the pyramid, using compact disciplines such as atomic physics as his conceptual lens, looking downward at the more diffuse disciplines and the ordinary fields. That this posture distorts his vision of the ordinary fields is the theme to which I now turn.

## II

If one reads only Uses, the ordinary field notion is singularly unclear. The book offers only the sparsest exposition of the idea--the bulk being devoted to field exemplars which Toulmin apparently takes to be self-explanatory. I argue that these examples are ambiguous and equivocal and that they do not clearly or exhaustively describe the nature of ordinary argument fields. *Sans* examples the ordinary field notion is immediately fraught with difficulties. I propose to expose some of these difficulties by developing the implications of a series of admittedly prosaic questions about the characteristics of ordinary argument fields.

In posing these questions I shall coincidentally argue that an adequate account of ordinary fields must account for the ways the *facts of the field* are embedded in actors' personal perspectives. In *Uses*, Toulmin aims at *de-psychologizing* argument to the extent that a field can be described in terms of its history of ideas--impersonally and abstracted from individual circumstances. He is not unaware that actors' personal perspectives shape their actions--indeed, *Understanding* presents a lengthy exposition of this idea. *Uses*, however, focuses upon *public* reasoning contained in the written records of rational enterprises. *Uses* more or less brackets personal perspectives--assuming them to exist but to be tangential to the concerns of logic. Arguments *can* be so treated and the histories of ideas in fields may be important, but the goal of de-psychologizing argument vis-a-vis the ordinary fields may be a serious error. It may mean that Toulmin's field notion has little of value to say about ordinary discourse.

Toulmin's program in *Uses* is normative. The rules of logic are "*standards of achievement* which a man in arguing can come up to or fall short of, and by which his arguments can be judged."[4] This logic is not concerned with a person's manner or techniques of inference: "its primary business is a retrospective, justificatory one--with the arguments we can put forth afterwards to make good our claim that the conclusions arrived at are acceptable. . . ."[5] Judgmental standards, of course, are field dependent--rooted in the relevant facts of a field. In this respect, at least, Toulmin's system seems to assume that description preceeds evaluation. Insofar as evaluations are field dependent they must be based on the assumption that the facts of a field are relatively well understood, capable of being looked at, and amenable to systematic exposition. This assumption is vulnerable to challenge (viz., in the sense that I might say "you are mistaken, most ethical theorists do not embrace the law of the distributed middle"). Though it is doubtless true that the disciplinary fields are, in varying degrees, characterized by widely agreed to norms, it is much less clear as one moves down the pyramid that norms are construed in the same ways or applied similarly in practice. At the base of the pyramid there should be more dissension than continuity. Thus, descriptive statements about argument fields are prior to statements about how actors ought to act. I do not intend to parrot the view of Comte or the Vienna Circle that theoretic statements must be traceable to descriptive propositions. All description, after all, is embedded in broader assumptive frameworks--it always reflects expectations and prior assumptions.[6] My concern rather is with acknowledging our willingness to violate or ignore Hume's law: the field notion seems to require that ought propositions be derived from is statements. It makes little sense unless value judgments are assumed to be rooted in the facts and practices of a field. The degree to which a field's norms inform discourse within the field is a descriptive question; and the degree to which a theorist is unable to confidentally describe the effects of a field's system on specific actions may be the degree to which his defense of a normative system is arbitrary.

Despite the reasonable claims in Understanding about the importance of psychological perspectives in the ordinary fields, Toulmin in Uses overstates the stability of ordinary fields. In defending this criticism, I wish to avoid defending the mirror opposite view that ordinary fields have no discernible characteristics or that they are always too volitile to be described. To attack Toulmin for defending "always and equal stability" for fields would be to attack a parody of his position. Yet, he does seem comfortable with the claim that ordinary fields enjoy rather more stability than dissensus--enough coherence, at least, that their normative systems can be clearly understood and described without reference to individual psychological processes. He views ordinary fields through the lense of a compact discipline such as atomic physics--and this leads him to see daily talk in terms of its divergences from compactness. My arguments below suggest that it might be better to see atomic physics as a special case of ordinary discourse (moving up the pyramid, as it were).

In Uses, ordinary fields are understood at such an abstract level that it is unclear how distinctions between them are to be drawn. Examples become ambiguous. It is worth questioning at least whether the facts of ordinary fields consist uniquely or exhaustively in written documents, formalized rituals, routinized procedures, and shared communication patterns more or less equally applied in all sub-domains within an ordinary field. I see more value in defining ordinary fields in terms of the ongoing activities of the actors within it--a position I take to be characteristic of Chicago School Symbolic Interactionism.[7] If fields take their character from the ongoing practices of actors, they should exhibit a degree of transience, volitility, combativeness, and innovation as characteristics of their routine practices. Since Toulmin accords the working logics of fields a status (within their respective fields) analogous to the status of a priori logico-mathematical principles, he may blur interfield and intrafield differences in much the same way that a priori logics blurred interfield differences. Some of my objections to Toulmin's formulations in Uses bear a consequent resemblance to his own attacks on a priori logics. It is at least worth considering whether his preoccupation with stable normative features of fields may have closed off from him the obvious importance of individual actions. One can hardly doubt that such closure has occurred given statements such as: "if one thinks of logic as an extension of psychology or sociology, the notion of logical form remains impenetratably obscure--indeed it can be explained only in terms of more mysterious notions, being accounted for as a structure of relations between psychic entities or social behavior patterns."[8]

This distrust of psychology has long explained the attractiveness of mathematical logic. It appeared to offer the only clear, easily understandable description of logical form. Since Toulmin wishes to eschew any sharp distinction between logic and epistemology, epistemology is perforce expected to divorce itself from psychology.[9] This leads to a comparative logic for which "validity is an intra-field, not an inter-field notion. Arguments within any field can be judged by standards appropriate within that field . . . but it must be expected that the standards will be field dependent, and that the merits to be demanded of an argument in one field will be found to be absent . . . in another."[10] Standards, then, must be independent of individual psychologies; ordinary and disciplinary fields can be characterized in general rather than vis-a-vis individual perspectives:

> Yet to turn logic into a branch of psychology . . . makes it too subjective and ties it too closely to questions about people's actual habits of inference. (There is, after all, no reason why mental words should figure at all prominently in books on logic, and no one can discuss arguments and inferences in terms of propositions asserted and facts adduced in their support, without having to refer in any way to the particular men doing the asserting and adducing.)[11]

Such things can doubtless be done. The kernal issue is whether this foreclosure of psychology is arbitrary, premature, or otherwise unjustified.

A coincidental byproduct of this look at the ordinary field notion may be to call into question the assumption that Toulmin's work countenances the "rule-governed" view of rationality--a widespread interpretation, the work of Gottlieb being an exemplar.[12] Special distinctions emerge in Toulmin's work between public and private reasonings--between argument (public) and inference (private); and Toulmin takes some pains to note that rationality resides in certain public procedures. He needs not and does not pin a view of private rationality to simple rule-following. His words suffice:

> Conformity to logic is a merit . . . not a sign of any radical docility in the things argued about . . . Yet

> the idea that inferring is a kind of performance to be executed in comformance with rules . . . leads in turn to its own paradoxes. Often we draw our conclusions in an instant, without any of the intermediate stages essential to a rule governed performance--no taking of the plunge, no keeping of the rules in mind or scrupulous following of them, no triumphant reaching of the end of the road or completion of the inferring performance. Inferring, in a phrase, does not always involve calculating, and the canons of sound argument can be applied alike whether we have reached our conclusions by way of a computation or by a simple leap.[13]

Rationality, then, is not for Toulmin a characteristic of individual reasonings except as they are made public. This is, I think, intended in the same spirit in which epistemology is expected to divorce itself from psychology.

Toulmin's notion of argument fields struck a responsive chord in the argumentation domain because it was based upon the intuitively true notion that at least some people routinely conduct their affairs within differing domains of discourse. The arguments of economists differ, say, from those of ethicists (unless they are Utilitarians) in that their respective "facts of the field" differ. Presumably, a field's facts are its self-evident truths, shared veridical and judgmental standards, and common standards of discourse. Thus, Toulmin proceeds from the sensible view that justificatory arguments take many forms and that it is questionable whether a common procedure can be sufficiently general to assess all kinds of arguments in all fields. The notion of comparative stringency (whether one can compare the standards of argument in different fields) is vulnerable since such comparisons require a common standard of judgment which crosses fields and which applies to all arenas of discourse more or less equally well. Thus, he introduces the field notion: two arguments belong to the same field when their data and conclusions are of the same logical type; they belong to different fields when their data and conclusions are of different types.

In *Uses* the bulk of the exposition of the field idea is devoted to examples. The proofs in Euclid's *Elements*, the calculations in the *Nautical Almanac*, and taxanomic arguments such as "this is a whale, so it is a mammal," are all presumably from different fields because their data and conclusions are different. Other fields are described by reference to exemplary arguments: (i) "Harry's hair is not black, since I know for a fact that it is red;" (ii) "Peterson is a Swede, so he is presumably not a Roman Catholic;" (iii) "this phenomenon cannot be wholly explained on my theory, since the deviations between your observations and my predictions are statistically significant; and (iv) "defendant was driving at 45 m.p.h. in a built-up area, so he has committed an offence against the Road Traffic Acts."[14] Other field examples include ethics and aesthetics.

Since fields are assumed to employ differing procedures and techniques of argument, it is important to identify features which are dependent (unique) to the fields and those which appear to cross fields (invariant) as well. Toulmin introduces the distinction between "force" and "criteria" of modal terms to address this problem. A term's force consists of the practical implications of its use: a term such as cannot includes a generalized injunction--something is ruled out. This is contrasted to the reasons or standards by which actors decide that a term is appropriate for use in given circumstances.[15] The force of modal terms is invariant while their criteria for employment are dependent. Thus, Toulmin is willing to discard the term "meaning" because the force-criteria distinction cuts across (and draws finer distinctions than) a gross or global term such as "meaning." This is but an extension of Toulmin's program for de-psychologizing argument; and I shall take sharp issue with his use of the distinction in the last section of this essay. It should suffice here to note that each of the Uses's examples should be distinguished by virtue of criteria rather than force.

2.1 Do the examples clearly mark off fields or can their criteria for modal terms blur into many fields? The ordinary field notion makes little sense unless one can clearly draw distinctions between fields. Euclid's proofs can be (and certainly were) employed in special ways by ethicists, economists, physicians, biologists, metaphysicians, epistemologists, and a host of other specialists as invariant principles. The criteria of their modal terms were essentially similar or the same. The Nautical Almanac's calculations, it seems, could be employed equally widely--the criteria for use being the same statistically significant (and have the same criteria for use) in any field which uses statistical procedures. I shall argue below that there are differences in the ways some disciplines employ statistical generalizations--but, contrary to Toulmin's view, these differences often turn upon the force rather than the criteria for using the statements. It needs stressing here that the disciplines which use statistics share certain views which seem invariant, i.e., principles of probability, tests of significant, etc. The proposition "Harry's hair is not black, since I know for a fact that it is red," is presumably intended to exemplify data drawn from an actor's personal beliefs. But statistical statements, Nautical Almanac figures, and proofs drawn from Euclid can all be (and often are in daily parlance) "known for a fact." "I know for a fact," indeed, may embrace both the force and criteria of modal terms. Finally, the statement "Peterson is a Swede" is capable of being statistically significant, of appearing in an almanac, and being something that "I know for a fact."

(a) Do the examples in Uses suggest field dependent canons for judging argument? Toulmin stresses that critical canons are dependent while the force of judgmental terms is invariant. Interfield differences in canons must be *irreducible*--incapable of being collapsed into general invariant canons.[16] Yet, the examples seem interchangable and capable of being collapsed into one another *by virtue of their criteria*. Statistically significant relationships are hardly irreducible. Significance tests are understood similarly by all who use them (force) and sometimes uniformly employed (criteria) by specialists in varied fields. "$P < .01$"--insofar as it is defined as "significant"--has the same force and may have the same criteria across fields. Yet one man's "significant correlation" is another's "vague association." Thus the *force* of "$P < .01$" may vary if a physicist says to a psychologist "$P < .01$ falls far short of true significance (viz., $p < .0001$). They agree on criteria but differ about force--the opposite, I think, of Toulmin's position. Yet, among those who agree that the statement "$P < .01$" *is* "significant," the statement has the same force and criteria across fields. It serves as an invariant principle just as the notion of probability of error per se serves as an invariant principle even to those who disagree about what levels equal "significant" correlations. Insofar as arguers in fields at the bottom of the pyramid use statistical statements, the judgmental canons appear to be rooted in their individual psychologies rather than in clear field arenas. As I shall argue below, this is probably also true of the diffuse disciplines and would-be disciplines in the middle of the pyramid.

(b) *Is the force-criteria distinction best suited to compact disciplines at the top of the pyramid and ill-suited to fields at the base?* Toulmin admittedly makes a sound case for the idea that modal terms such as "cannot" and "probably" take their meanings from the essential features of the problems addressed in a field, geometrical terms thus differing from, say, sociological terms. I have discussed the problems with "probably" in (a) above. "Cannot," I claim, is premised in *Uses* on suspiciously congenial examples. The intuitive idea is that "you cannot be sick" assumes different implications when uttered by a train steward than by a physician. Yet this is possibly a trivial example since nearly everyone would intuitively agree that there are marked differences between statements about social niceties and those about medical conditions.

Toulmin's field examples are less clear. They seem to draw their criteria for use not from the essential features of a field so much as from the psychological processes of the actors who use them. The meaning, criteria, and possibly force of "statistically significant" or "I know for a fact" or even "Peterson is a Swede" seem directly related to the intentions of the person saying them. Each of these *can* display the same force and criteria across a variety of circumstances. Thus, the force-criteria distinction does not seem especially useful to descriptions of ordinary talk. Clear differences in force and criteria of modal terms are surely observable only when the public veridical and judgmental standards of a rational enterprise are rigorously defined (as they apparently are in atomic physics). Ordinary talk takes elements from many fields, as I argue more fully below, and the applicability of the force-criteria distinction seems proportionately suspect. Stated another way: the distinction can replace "meaning" as an explanative concept only in compact disciplines; it becomes more and more arbitrary as one moves down the pyramid toward diffusness.

(c) *Is "statistics" a muddled example?* This question is but a special case of the questions above, but it serves to illuminate the senses in which diffuse, would-be, and non-disciplines (at the pyramid's middle) as well as the ordinary fields at the base intermingle and overlap. First let us look at this question from the point of view of the "discipline of statistics" per se (which may in fact be a compact discipline), as opposed to the ways other disciplines pick up and use statistical concepts. We usually think of the statistical discipline (in Toulmin's terms) as a body of professional associations and traditions as well as in terms of its shared problem focus (reducing mass data to meaningful and manageable generalizations--looking at frequency distributions, normal probability curves, measures of central tendency, variability measures, and correlation coefficients). Now, vis-a-vis the field notion, it needs saying that uniquely statistical arguments are *warrant-using* arguments--which Toulmin is at pains to attack with respect to a priori logic. Statisticians, if their textbooks represent their professional self-conception, see themselves in terms akin to the traditional logicians' descriptions of a priori logic. Thus, statistics per se is a poor example of an ordinary argument field.

If we look, second, at statistics as a body of principles picked up and used by other disciplines, it further blurs the dependent-invariant distinction. There are senses in which statistical generalizations are invariant--a priori--and other senses in which they are uniquely, situationally or psychologically, defined. A significance test can be looked at statistically or substantively from another field. The importance (as opposed to the meaning) of a T-test may be *either* a matter amenable to field-grounded judgments *or* a matter resolvable with reference to invariant statistical principles which apply equally across fields. Thus, an element can be simultaneously invariant and dependent. Stated another way: statistical principles used in different fields are of the "same logical type" when so used; their criteria are usually the same; they use and establish the same sorts of warrants. Individual fields pick up and use statistical elements by assuming some of the characteristics of the statistical discipline. This should be true at the middle of the pyramid as well as at its base. Statistics, then, is an example which muddles interfield distinctions; and, if statistics is a unique discipline, the force-criteria distinction is vitiated.

It is to belabor the obvious to say that different schools of thought in the diffuse and would-be disciplines display marked differences in their statistical approaches. Some economists, for example, see the Phillips Curve as a fact of nature--nothing more than a symptom of the essential covariation of employment and inflation; others see the Curve as an artifact of statistical assumptions which may mean different things when viewed from different perspectives; and still others see the curve as a false explanation of long term trends. By this reasoning, economics is probably a diffuse or even a would-be discipline since there are profoundly different ways of construing elements of which the Phillips Curve is only an example. It seems clear that within economics, both the force and criteria for using the Phillips Curve differ. Depending on how one looks at the Curve, it can function as either data, warrant, or conclusion (and, in some cases, a qualifier) for arguments. The differences may reside more in the psychological perspectives of arguers than in systems of thought per se.

I now turn to a series of questions intended to expose the difficulties entailed in using the argument field notion at the middle range of the pyramid. Many of my arguments are similar to Toulmin's own comments about the diffuse, would-be, and non-disciplines, but I draw very different conclusions. He clearly recognizes that these disciplines contain different systems of thought. Indeed, the size and scope of the differences between these systems of thoughts (the profundity of their differences) are for Toulmin precisely the reasons why they are not compact disciplines. My arguments below, however, suggest that despite his recognition of competing schools of thought within fields, Toulmin overstates the case for stability and underplays the need for a psychologically grounded approach to argument. The intuitive idea is that "school or system of thought" may be a more precise designation of argument fields than is Toulmin's conception of middle range disciplines.

2.2 Can the field of aesthetics be generically described? This example appears in Uses to illustrate a difficult case. I take rather sharp issue with Toulmin's interpretations, however. My argument is that opposing viewpoints within aesthetics (and, by implication, other diffuse and would-be disciplines) make it difficult or even impossible to confidently describe the "field's" nature. Toulmin explicitly recognizes this difficulty: "in these fields, more often than in most, the answers to questions remain matters of opinion or taste. Aesthetics is an obvious field in which this is liable to happen, though even there it is easy to exaggerate the room for reasonable disagreement and to overlook the cases in which only one informed opinion can seriously be maintained, e.g., the superiority as a landscape painter of Claude Lorraine over Hieronymus Bosch."[17]

Several things need saying about this. First, it is difficult to believe that Toulmin intends this example seriously, viz., the comparative merits as *landscape* painters of Lorraine and Bosch. A more uninteresting disagreement is difficult to imagine (though comparing Poe and Pound as short story writers does come to mind). So, the example of unity seems "true, but trivial." Second, differences between aesthetic theorists are often as complex as they are (in many cases) unbridgeable. Theorists such as James, Santayana, Prall, and Dewey (despite obvious and significant differences) can easily be contrasted with the likes of Langer, Ducasse, and Weitz, who (despite obvious and significant differences) can be contrasted to the "psychologists" such as Petter, Croce, Nahm, and Springarn. Differences between these contrasting schools are most decidedly not mere matters of taste. It is even insufficient to globally name the schools (e.g., the "separatists" or "psychologists" or "semanticists" or "metaphysicians") since differences within these schools of thought are often quite profound. Within aesthetics, Sartre and Merleau-Ponty are both "phenomenologists," but some (not all) of the differences between them are chasmatic. True, some of these differences are recognized by virtue of commonly shared assumptions which allow theorists to debate their differences. Yet, some of the connecting threads are, to purloin a fictional detective, "tenuous almost to nullity." It ought also be said that differences between aesthetic theorists and the *practitioners* are most often than not insoluable; and *there are enough fundamental disagreements among theorists that little agreement has been attained even about the rough outlines of the aesthetic discipline*.

Merely naming aesthetics a would-be discipline says little about its character as an argument field. It seems impossible to generate meaningful statements about "aesthetic" arguments from such broad categories. I am not unmindful of Toulmin's warning that it is easy to exaggerate the room for reasonable disagreement, but with respect to aesthetics exaggeration seems difficult. Since the contending schools of thought have not even been able to agree on the meaning of "aesthetics," we could call aesthetics an argument "field" only by doing great violence to these schools--by blurring their differences.

The aesthetics example seems to nicely illustrate the value of looking at systems of thought--as psychological orientations as well as public formulations--to define argument fields. Aesthetics exemplifies the sense in which schools of thought transcend the usual disciplinary boundaries. Most of those theorists have produced systems which apply more broadly, viz., to psychology, ethics, sociology, epistemology, and even metaphysics. Thus, perhaps, one can be a "positivist" in all of these disciplines and have more in common with positivists in other fields than with, say, existentialists in one's own discipline.

2.3 Is the discipline of psychology a useful "argument field" exemplar? This question could be reformulated to say "are the different schools of thought within psychology better field exemplars?" In Understanding, Toulmin recognizes the often profound differences between the competing schools--but he does so with an eye to explaining why psychology is only a would-be discipline. He does not address implications for argument fields. My comments here bear a strong resemblance to his own statements about psychology, but I shall draw from them the conclusion that "psychology" is too broad and vague a term to be useful to argumentation theorists as a field exemplar. Its individual schools of thought are better models.

The differences between Freudian, neo-Freudian, S-R and S-O-R behaviorist, cognitive, third force, constructivist, psychobiological, and physiological psychologists (as Toulmin clearly recognizes) reflect often profound paradigmatic differences entailing very different ways of looking at theory, research, and even modes of inference. These substantive differences subsume equally profound differences in the definitions and approaches to problems (as we shall see, this is a central defining characteristic of "disciplines" for Toulmin). At a gross and ambiguous level, Freudians and behaviorists might be said to share an interest in human behavior; but such abstract unity is surely insufficient for Toulmin's purposes and is certainly insufficient for mine. They do not always deal with the same problems: repression may be a central research problem for a Freudian but nonsense to a behaviorist.

The arguments of these divergent psychologists may employ data and conclusions of different logical types. Proponents of laboratory research often scoff at arguments based on participant observation or other "qualitative" approaches. Some theorists see statistical work as a limited, relatively minor part of the discipline while others see statistics as the core. Toulmin might protest that despite these substantive differences psychologists cling to certain assumptions about science which unite them. This, however, has two weaknesses: (i) it elevates the scientific metaphor to invariant a priori status in a manner akin to the old view of logic; and (ii) it is existentially false: Carnap's classic arguments that psychology should be a science modeled after physics seem quite incompatible with Kelly's arguments that "scientists are human too." Differences between physicalism and humanism stem in part from differences about the appropriate data, warrants, and conclusions of arguments. Kelly's problems are not Carnap's.

One does not shift from Carnap's perspective to Kelly's because (to use Toulmin's criterion) Kelly's model better solves the problems addressed by Carnap's model: Kelly rejects most of Carnap's core problems as invalid.

At a high level of abstraction, Kelly and Carnap might be said to share a common commitment to truthful research, to understanding human nature, and to careful procedures. This high level of abstraction, however, disguises too wide an array of differences for the psychology discipline ("would-be" as it is) to be called an argument field. If asked to compare Skinner and Bannister as scientists, I might justifiably reply that this is analogous to comparing Lorraine and Bosch as landscape painters. Why the force-fitted category? Their differences seem far more important than their broad commonalities.

2.4 Is sociology a satisfactory argument field exemplar? My arguments here echo those about psychology; and it needs saying that Toulmin explicitly terms sociology a would-be discipline because it contains divergent schools of thought. These schools are different enough that it seems better to look to them as discrete argument fields branches of a single perspective--among many possibilities--within sociology, viz., the differences between Iowa School and Chicago School Symbolic Interactionism.[18] These traditions display markedly different assumptions about research, causality, statistical work, and many other matters. At a high level of abstraction, they share some problems; but they define them differently enough that it cannot be said that they deal with the same problems. Both, for example, deal with the "self," but Manford Kuhn and Herbert Blumer define the theoretical and research problems of self theory very differently:

> A close examination of the . . . differentiation between the Chicago and Iowa schools . . . reveals the . . . differences to have an organic and systematic character . . . While Blumer's image of man dictates his methodology, Kuhn's methodology dictates his image of man. Thus, Blumer begins with a depiction of man's behavior as entailing a dialogue between impulses and social definitions in the course of which acts are constructed. He proceeds to recognize a level of interaction devoid of social definitions and reflecting sheerly spontaneous behavior. Holding the two preceding ideas, he questions the extent to which human behavior is predictable. And finally, . . . he must urge a methodology that combines scientific and humanistic elements.
>
> Oppositely, Kuhn starts from a scientistic concern. This, although joined with his symbolic-interactionist orientation, brings him to . . . a basically deterministic image of behavior. In the service of both scientism and determinism, he denies to the I any role in conduct, thereby dismissing the possibilities of both emergence and nonsymbolic interaction.[19]

Discussing the dim possibilities for rejoining the two perspectives, Meltzer and Petras note that the two traditions address basically different problems: Iowans focus upon operationalization (reflecting their positivism) while Chicagoans insist upon conceptual clarity as a prerequisite to operationalization. Further, the two schools display none of the professional unities which Toulmin holds to be essential to disciplines: "as in the past and present, the two schools may continue the pattern of taking little cognizance of one another and of going their separate ways. This pattern is evidenced by the fact that representatives of each school rarely cite the works of the other school. This type of parochialism is fostered by the fundamental and perhaps irreconcilable divergence of the schools on the methodological level."[20] Within this single subdivision of interaction theory, then, none of Toulmin's criteria for a discipline are met; and more harrowing examples are surely possible within sociology.

At the middle of the pyramid, then, the diffuse and would-be disciplines contain divergent systems of thought which differ in enough respects to vitiate the argument field notion. The above questions could be posed for other middle range disciplines with similar results. Broad disciplinary rubrics (e.g., history, political science, urbanology, policy studies, and speech communication) probably contain schools of thought which are divergent enough to make misleading any equation of diffuse and would-be disciplines with argument fields. My claim is not that no commonalities obtain, but that intra-disciplinary differences are often great enough to vitiate the argument field notion. Looking at the individual schools of thought seems to be a more precise way of defining argument fields.

2.5 What is the importance of the jurisprudential analogy to Toulmin's system? The analogy, I think, comprises the core of his view of argument fields. He takes consistent pains to steer a middle course between absolutism and relativism. Both are odious options. Absolutism force-fits its a priori systems onto all subjects, appropriate or not. Relativism ignores precedents, the histories of ideas in fields. Toulmin de-psychologizes argument precisely because couching argumentation principles in personal psychological terms would be a surrender to relativism. His search is for the stable features of rational discourse as manifested in public argument; and he locates these features in precedents, thus raising the jurisprudential analogy to a position of considerable theoretical importance. The analogy is the core of his rejection of relativism and the basis of his special theory of argument fields; yet it is, I think, the weakest aspect of his system. Several questions below are designed to expose the myriad difficulties with the analogy.

_Uses_ resorts to the legal analogy frequently, most often for one of two reasons: to illustrate aspects of field dependency or to display the field concerns of logic. I pursue both aspects of the analogy here if for no other reason than that Toulmin uses it to delineate the field concerns of logic--as a unique field, standing on its own without help from mathematics or geometry. The analogy is the keystone of his explanation of argument _processes_, and it is fair to say that he gets considerable mileage from it. _Uses_ leaves little doubt that the analogy is intended seriously--indeed, that the term analogy may be too weak:

> Indeed, one may ask, is this really an analogy at all? When we have seen how far the parallels between the two studies can be pressed, we may feel that the term 'analogy' is too weak, and the term 'metaphor' positively misleading: even, that law-suits are just a special kind of rational dispute, for which the procedures and rules of argument have hardened into institutions. Certainly it is no surprise to find a professor of jurisprudence taking up, as problems in his own subject, questions familiar to us from treatises on logic--questions, for instance, about causation--and for Aristotle . . . the gap between arguments in the courts and arguments in the Lyceum or Agora would have seemed even slighter than it does for us.[21]

This is forceful stuff--as we say, a vigorous commitment to the analogy, apparently in all particulars. Of most importance, however, is the _trial_ as a root metaphor:

> Logic is concerned with the soundness of the claims we make--with the solidity of the grounds we produce to support them, the firmness of the backing we provide for them--or, to change the metaphor, with the sort of _case_ we present in defense of our claims. The legal analogy . . . can for once be a real help . . . Logic (we may say) is generalized jurisprudence. Arguments can be compared with law suits, and the claims we make and argue for in extra-legal contexts with claims made in courts, while the cases we present in making good each kind of claim can be compared with each other. A main task of jurisprudence is to characterize the essentials of the legal process: the procedures by which claims-at-law are put forward, disputed and determined, and the categories in terms of which this is done. Our own inquiry is a parallel one: we shall aim . . . to characterize what may be called the 'rational process,' the procedures and categories by using which claims-in-general can be argued for and settled.[22]

We are, in sum, to take this analogy rather literally.

The questions below reveal, I think, that the jurisprudential analogy serves the argument field notion poorly--indeed, can be turned against it. It is not especially clear, for example, what sort of rational enterprise jurisprudence is assumed to be--that is, where it falls on the pyramid. Looked at in one way, it could be a diffuse discipline; but, as my arguments below show, trials do not fit neatly into the scheme--they are, at least in some senses, non-disciplinible.

Trials are a relatively minor feature of jurisprudence. Toulmin would surely be uncomfortable with casting the analogy in terms of plea bargaining, although the vast majority of criminal cases are actually disposed of through bargaining. If the legal discipline possesses a stability and unity it is hard to see that the trial, rare as it is, is any part of that unity. If we hold the analogy hostage to entailments of comparisons with bargaining, corporate law, torts, and disaster litigation, we shall arrive at the view that the facts of the field cannot be understood apart from the perspectives of legal actors as they deal with specific cases in their special segments of the legal domain. One could argue, of course, that the trial metaphor could be abstracted out of the broader spectrum of legal activities, although most legal philosophers would surely be uncomfortable with such an abstraction. Further, this is not the way Toulmin deals with the compact discipline of atomic physics: if the textbooks paid lip service to laboratory research but atomic physicists, in practice, rarely or never used such research, this would surely be reflected in Toulmin's survey of the shared assumptions of the discipline. The legal analogy, then, is in serious trouble if treated as specifically as the scientific examples are in Human Understanding.

There is another level of trouble for the legal analogy revealed by the questions which follow: it may not be defensible to abstract trials out of the broader spectrum of legal activities or out of the social events which eventuate in trials. The questions below reveal that trials reflect the psychological perspectives of the legal actors in them and that they are processes which nearly always display extra-legal aspects. Determinants of the outcomes of trials may only rarely be the standards of argument which have "hardened into institutions." Thus, the trial metaphor turns against Toulmin in another sense: it ultimately supports the view that argument can most accurately be described in terms of the psychological processes which produce them.

2.6 Is jurisprudence a useful "field" exemplar? Granting for the moment that the trial metaphor is self-sustaining, we should ask whether trial law per se produces arguments of the "same logical type." There are difficulties with this, as Toulmin explicitly recognizes. There are, for instance, different types of trials--civil versus criminal being merely one broad dichotomy. Some trials pursue common law issues while others probe statutory interpretations. Toulmin, in fact, admits that the conduct of trials may differ and that "the sorts of evidence relevant in cases of different kinds will naturally be very variable."[23] Yet, essential to Toulmin's program is the notion that trials have certain aspects in common. My criticism is that these common features tend to be the most trivial features of trials. The following questions probe this charge.

(a) Do different trials use the same sorts of evidence? This is a crucial issue since one test of a field is the content of its data and conclusions. Evidence, presumably, comprises data (or part of the data) for trial arguments. Toulmin quite reasonably recognizes that evidence may greatly differ: "to establish negligence in a civil case, wilful intent in a case of murder, the presumption of legitimate birth: each of these will require appeal to evidence of different kinds."[24]

(b) Are there compelling examples of evidence differences? Perhaps the most interesting feature of the Scopes trial was its routine departure from traditional legal practices and principles. The data and conclusions of both Bryan and Darrow were more often than not extra-legal. Bryan worked from a perspective that largely identified the interests of law and religion while Darrow worked from a "free thinker's" perspective which was decidedly more political than legal. The Leopold-Loeb murder trial is another interesting illustration. A central theme of the defense summary was a view of justice (at the level of data and claim) which had little or nothing to do with the legal issues at hand. Darrow's appeals for clemency sprang from a popularized conception of justice and mercy which was not entirely consistent with legal principles of the time. Case law is irrelevant in that classic summation. Many recent trials dealing with fair trial--free press issues have not centered upon the complex body of case law surrounding this controversy but upon the special circumstances of the case at hand and a consideration of the immediate pretrial effects of publicity for the specific case. Sheppard V. Maxwell, the paradigm case in that body of law, details a horrifying history of noncompliance with legal principles. The evidence relevant to Sheppard consisted less of constitutional argument than of detailings of the excesses of the press prior to and during the trial.

(c) Can "unhealthy" examples be discarded? Toulmin stresses that his study is of the legal process in a healthy state--not in terms of its "pathological disintegrations." Yet two things need saying about this. First, while there is nothing per se wrong with pinning the metaphor to ideal processes, claims about descriptive accuracy can surely not be made on the basis of ideals. Second, Toulmin is mistaken if he rules discretionary actions out of the metaphor because they are "pathological disintegrations."

Kenneth Culp Davis has stressed that discretionary actions are far more important in jurisprudential conduct than rules:

> Even in something generally supposed to be so much controlled by law as the administration of criminal justice, administrative discretion is far more important than rules. All the rules that call for punishment can be nullified by any one of five sets of discretionary power. . . .We have not yet found a way to eliminate discretion with respect to arresting, sentencing, prosecuting, paroling, and pardoning without destroying the crucial values we want to preserve.[25]

Discretion causes most injustice, but the jurisprudential system could not possibly function without it except at the expense of essential values. Rules alone never suffice. In fact, they are sometimes the least important aspects of a trial. The discretionary interpretations made by lawyers, judges, juries, and other legal actors are the actions which actually constitute a trial. Discretion, in fact, is a tool that is "indispensible for the individualization of justice. . . .Rules alone untempered by discretion cannot cope with the complexities of modern government and modern justice. Discretion is our principle source of creativeness in government and in law. . . .In a government of men and of laws, the portion that is a government of men . . .often tends to stifle the portion that is a government of laws. Perhaps nine-tenths of injustice in our legal system flows from discretion and perhaps only one-tenth from rules."[26] Most American law, Davis argues, springs from adjudication--from creativeness in the process of deciding particular cases: "the crucial point in the process is discretionary power to be creative in particular cases."[27] The whole notion of individualized justice depends upon this individual creativity:

> When discretion shrinks too much, affirmative action is needed to recreate it. For many circumstances the mechanical application of a rule means injustice; what is needed is individualized justice; that is, justice which to the appropriate extent is tailored to the needs of the individual case. Only through discretion can the goal of individualized justice be attained.[28]

The most fundamental characteristic of a trial, then, is the discretion available to the legal actors and their uses of it.

Discretion, of course, is a psychological matter. The judge exercises powers across the breadth of the trial process, only a few of which are specified by law; and few legal scholars would be comfortable with the claim that judicial discretion is unrelated to the judge's psychological processes. Trials have political aspects, for example, depending upon the party affiliations of the judge and prosecutor and their perceived publicity stakes in securing guilty verdicts. They display these aspects not as pathological disintegrations but as routine features of daily conduct. A judge's ruling on the admissability of evidence may depend more upon his fears of being overturned (as a purely political matter) or upon his perceptions of the probity of the evidence rather than upon judgments about its legality. A prosecutor's decision to bring a case to trial may stem more from the case's difficulties vis-a-vis plea bargaining or from its publicity value than from any special judgments about the merits of the prosecutorial case per se. Thus, with respect to Toulmin's desire to depsychologize argument, the discretionary aspects of the trial metaphor encourage a very different--quite psychological--approach to argument. The discretionary analogy implies that the processes of argument directly reflect the processes of reasoning which produce them--that they are special cases, to be understood with reference to the specific circumstances in which they occur.

(d) Does Toulmin focus upon trivial features of trials? As with the aesthetics example, Toulmin makes his case with respect to extremely broad and proportionately uninteresting features of the analogy. In approaching trials he paints, as we say, very broad strokes. Certain features are held to be common to all trials, be they civil or criminal: "there must be an initial stage at which the charge or claim is clearly stated, a subsequent phase in which evidence is set out or testimony given in support of the charge or claim, leading on to the final stage at which a verdict is pronounced."[29] Now, it must be said that with this statement the robust legal analogy described above has paled considerably. This amounts to little more than Aristotle's claim that "you must state your case and you must prove it." At best, Toulmin's statement is superficial: but, taken as stated, it describes a relatively trivial aspect of trials, their chronology. More to the point, the statement says nothing about the content of trials: the legal metaphor must say something about the content of trials if it is to be used to support the field notion.

The legal analogy, as described by Toulmin, does not contribute to the field notion. The statement that trials consist in chronological stages amounts to little more than saying "someone gets charged, arguments are made, testimony is given, decisions are reached." This is not interesting, nor is it terribly descriptive of trials as they actually occur. This statement says nothing about the criteria for modal terms in trials, although a psychological approach to discretionary justice does hint at the criteria for applicability in terms like "probably," "possibly," and even "cannot."

Toulmin's legal analogy also does not seem to illuminate the nature of argument well. My own formulation of the analogy suggests that the relationships between claims and the evidence for them is always psychological. "Leaps" from data to claims, after all, are movements made by thinkers--which should mean that they obey the mandates of the thinkers' cognitive systems. These leaps, if you will, are quite discretionary; and, as a descriptive matter, we will understand them best by reference to the psychological perspectives from which they spring.

(e) Is the force of modal terms constant within trial jurisprudence? The core idea behind this question is that the force-criteria distinction may be vitiated by the jurisprudential analogy. The fact that the criteria for modal terms varies from trial to trial, context to context, seems to call the trial analogy into question and correspondingly to cast doubt upon the field notion per se. "Force," however, needs special attention; the practical implications of judgmental canons, after all, are supposed to be invariant. "Impossibility" is one sustained example of a term's force which should remain constant across fields. I contend here that this term's force does not remain constant even across trials.

While the criteria for terms like "cannot" or "impossibility" vary, their force should not: "what is common to all the statements /the implied sanctions, the grounds for ruling-out/ remains. Each of them can be written in the following pattern so as to bring out the implications involved: 'P being what it is, you must rule out anything involving Q; to do otherwise would be R, and would invite S.' The form is common to all the examples: what vary from case to case are the things we have to substitute for P, Q, R, and S."[30] Jurisprudential examples include statements such as "you can't force a defendant's wife to testify."[31]

An example leaps immediately to mind which meets Toulmin's design specifications for the force of a term but which casts doubt on the generality of the rule, viz., "you cannot force a defendant's wife to testify unless in a divorce or other civil proceeding." The wife, in a divorce, literally can refuse; but in another literal sense she cannot: some judges refuse to find for litigants who refuse to testify in divorce suits; thus, a wife can be forced to testify without reference to clear rules. Discretionary conduct of all trials insures that there will be circumstances in which legal actors or defendants have to ignore their "rights" in order to meet the practical requirements of success.[32] Defendants routinely bargain away their rights just as plaintiffs routinely surrender their rights not to testify. Informal rules, "understandings" both among attorneys and between attorneys and judges create an informal argumentative agenda and implicit judgmental structure. In any given circumstance, both the force and criteria of modal terms will reflect the interpersonal understandings among the legal actors who deal with them.

The term "cause" merits special attention. It clearly means very different things in, say, conspiracy versus murder trials. Individual murder defendants must be linked to specific concrete acts. Conspiracy defendants need not be linked to the object of their conspiracy in the sense that someone can be convicted of conspiracy to commit murder even if the murder was not committed. The deliberation of the act is the key--not a causal link to the criminal act itself. Also, civil and criminal proceedings very differently define "contributory cause."

2.7 *Can the psychological perspectives of legal actors be ruled out of the "field" of trial jurisprudence*? Toulmin's analogy can be turned against him with respect to the importance of personal perspectives. Insofar as discretion rather than rules characterizes the routine conduct of trial law, the personal views of legal actors must be accounted for. Every trial, as it were, *creates its own field* although it may borrow from the penumbra of meanings around statutes and case law. *Stare decisis* almost never consists of simple deductive reasoning from case law to the case at hand; and, in this respect, trials are not at all analogous to individual experiments in science. They are not just special cases of the general rule. Stone, after arguing that *stare decisis* consists of *choice-making* at the discretion of several legal actors, stresses that choices in law are constantly expanding:

> For the universe of problems raised in judicial choices at the growing points of law is an expanding universe. The area brought under control by the accumulation of past judicial choices is, of course, large; but that does not prevent the area newly presented for still further choices by the changing social, economic, and technological conditions from being also considerable. And it has always to be remembered that many occasions for choice arise by the mere fact that no generation looks out on the world from quite the same vantage point as its predecessor, nor for that matter with the same eyes. A different vantage point, and different eyes, often reveal the need for choice-making where formerly no alternative, and perhaps not even any problem, were perceived at all.[33]

Thus, the ongoing practices of legal actors are not deterministically shaped by the background assumptions of the legal profession; individual trials require special actions. Legal actors doubtless share certain values and bodies of knowledge, but their *problems* differ, often profoundly. Every trial, then, reflects the personal definitions and interpretations of the legal actors involved. Trials containing fair trial-free press issues, for example, may operate very differently depending upon the biases of the judge and counselors: the rules may be construed in variable ways.

It is unreasonable to expect that we could explain what happens at any specific trial without reference to the psychological perspectives of the actors. The focus of dispute in the Scopes trial, for example, was upon two very different personal construct systems--one ruled by a regnant affective orientation toward revealed religion, the other by a civil libertarian view of the limits of governmental power over speech freedoms (in this case, in the educational sphere).[34] The judge in that case passed sentence, apparently, without reference to stare decisis: political realities and the dangers of being overturned seemed more important. A trial, then, is a forum in which people hash out differences; and the nature of the people is far more important than the nature of the forum in explaining these events. To characterize the Scopes trial as a structural procedure guided by rules is akin to calling "On the Beach" a "beach movie" or (a la TV Guide) describing "The Pawnbroker" with the phrase "a Jewish gentleman remembers his past."

The signal characteristic of the legal process is discretion; and discretion is quite by definition a matter of personal perspectives. For Toulmin, this means that logical form will "remain impenetrably obscure"--that is, it may not display certain generalizable formal characteristics which can be described apart from the personal perspectives of the arguers. Toulmin has attacked traditional logic because it did not adequately serve the study of ordinary discourse (situated activity). Yet, in his concern for avoiding relativism he may have fallen victim to his own criticisms: he may de defending an idealized logic which cannot be met by ordinary discourse. His own words vis-a-vis traditional logic hint at this possibility:

> . . ./I/t begins to look as though formal logic has indeed lost touch with its application, and as if a systematic divergence has in fact grown up between the categories of logical practice and the analyses given of them in logicians' textbooks and treatises.
>
> . . .Once, however, we recognize the sources of the deviation between working logic and logical theory, it becomes questionable whether these problems should have been raised in the first place. We are tempted to see deficiencies in these claims only because we compare them with a philosopher's ideal which is in the nature of the cases unrealisable. The proper task of epistemology would be not to overcome these imagined deficiencies, but to discover what actual merits the arguments

> of scientists, moralists, art critics, or theologians can realistically hope to achieve.
>
> The existence of this 'double standard,' this divergence between the philosopher's question about the world and the ordinary man's is of course a commonplace: no one has expressed it better than David Hume, who recognized both habits of mind in one and the same person--namely, himself. Usually, the divergence has been treated as a matter of pride, or at any rate tolerance; as a mark (at best) of superior penetration and profundity in the thought of philosophers, or (at worst) as the result of a pardonable psychological quirk. It seems almost mean of one to suggest that it may be, in fact, a consequence of nothing more than a straightforward fallacy--of a failure to draw in one's logical theorising all the distinctions which the demands of logical practice require.[35]

These sentiments, I dare say, would seem more appropriate for a theorist not quite so distrustful of relativism as Toulmin surely is. As an *intrafield* matter, at least, Toulmin defends an idealized rather than a working logic. The field notion is the core of his attempt to avoid the entailments of relativism; and the jurisprudential analogy is the core of the field notion. Yet, field dependent logics become a priori principles functioning within a field analogically to the a priori systems of traditional logicians. Toulmin's idea of a field would make little sense unless they did.

2.8 *Is the conduct of trials a matter of mere convention?* Toulmin is loath to reduce field dependent logics to mere matters of convention because it admits too much of relativism. He is unwilling to reduce "Knowledge" to "social knowledge" because he sees in the history of scientific disciplines a stable and enduring core of more or less agreed upon facts. As a profound student of the history and philosophy of science, he has brought scientific presuppositions over into his treatments of social discourse, yet, he does not explicitly defend this imposition of scientific assumptions on more "social" fields. The jurisprudential analogy serves him poorly in this respect because it is in some senses a mirror opposite to his design specifications for scientific disciplines. The case law idea imports well into the scientific discipline exposition, but the scientific assumptions do not similarly import successfully into the legal metaphor.

But bluntly, legal knowledge *is* a matter of convention. Even *stare decisis*, which ought to exemplify the stable and enduring core of the history of legal ideas, does not display much stability vis-a-vis individual choices made by legal actors.

There doubtless are commonalities across trials, but these are classic instances of convention. Lawyers pursue certain social and professional relations among themselves and with judges; prosecutors seek stable relationships between themselves and their opponents as well as with the police; certain standards of decorum are usually though not always maintained; all of these actors seek to reconcile their daily activities with the political and social expectations of their local communities. These are the stuff of daily practice; and they are archetypes of convention.

It is again worth stressing that Toulmin is correct in saying that one can exaggerate the room for innovation. Yet, trials are characterized routinely by sometimes wide latitudes of innovation. The grounds for innovation spring out of the "facts of the individual case" more than the "facts of the field--of law" or, at minimum, there will be a constant interplay between the two elements. This is why I see trials as individual fields. If indeed trials do display this interplay between legal traditions and the needs of the moment, the interplay per se cannot be understood apart from the facts of the case. The trial metaphor, by its very character, supports psychological approaches to argument and casts doubt upon idealized systemic logics. Further, the metaphor turns against Toulmin because most of its stable features which endure across trials appear to be conventionalized rather than anything analogous to scientific knowledge.

The field notion, in sum, is unsatisfactorially developed in *Uses*. The examples do not clearly or exhaustively specify the character of fields--especially fields of ordinary discourse. The most sustained example, the jurisprudential analogy, seems to work against the goal of de-psychologizing argument. It appears to mandate a conception of fields which would define them in terms of the psychological processes of arguers.

## III

In the twenty some years since *Uses* was published, Toulmin appears not to have used the term "*field*" or any of its logical relatives ("force versus criteria" and "logical types") in a technical way. The word field is used in *Understanding* only informally. It is readily apparent in that book that Toulmin wishes to focus upon the term "rational enterprises" as a generic rubric to subsume specific approaches to knowledge. There is no reason to suppose that he wished to abandon the "field" notion, however, since he states flatly in the introduction to *Understanding* that the book is an elaboration upon themes taken up in *Uses*.

There are two compelling reasons to suppose that "field" and "rational enterprise" are synonomous terms for Toulmin.

First, in his most recent writings, Toulmin and his colleagues *repeatedly employ the two words interchangably*.[36] They are employed in ways that seem clearly to show that the authors believed that either word would do--there are no special or technical differences between them. "Rational enterprises" seems to be a clarified successor to "field" in that it serves as a broad rubric containing divergent fields displaying varying degrees of compactness. Thus, our pyramid of enterprises described in the first section seems to accurately reflect this interchangable usage. The second reason for believing that the two terms are synonomous springs from the credibility of the exposition of Toulmin's system in the first section of this essay. The explanation, I think, holds together. It explains why some of the field examples display markedly different degrees of compactness, why they do not remain consistently autonomous. Non-disciplinible fields (as well as the non-disciplines) are expected to overlap in ordinary discourse. Fuzzy distinctions are predicted at the base of the pyramid. Thus, the field examples in *Uses* come from different stations on the pyramid--explaining why they operate differently and why Toulmin probably felt the need to derive a clarified successor to the "field" notion. Thus, it is reasonable to adopt, as a working assumption, the view that *Understanding's* formulation of the rational enterprise notion is an elaboration of the field idea. If my arguments in the second section are compelling, it is now appropriate to consider whether the broader strokes painted in *Understanding* salvage the field notion's utility for argumentation theory.

3.1 *Is atomic physics a misleading argument field exemplar?* It is again worth stressing that my purposes may not be Toulmin's. I ask the field notion to illuminate ordinary discourse at the base of the pyramid; Toulmin uses this compact discipline to explain discourse in the compact sciences. He is vulnerable, I think, insofar as he peers downward from the top of the pyramid, using the clear structure of atomic physics as a conceptual lens--a fixed reference point--to explain activities in the more diffuse enterprises. His preoccupation with structure, with publicity of discourse, directs his attention away from the defining activities of social actors. He ends up, I think, with a position that says that logic occupies no clear place in the non-disciplines. He stresses the psychological roots of the activities at the pyramid's base, but steadfastly refuses in *Uses* to give logic a psychological base. This is tantamount to saying that his view of working logics has no explanatory value for ordinary talk--indeed, I suspect that Toulmin would not be too uncomfortable with this description.

Let's flesh this out a bit--keeping the pyramid metaphor in mind. *Understanding* presents a convincing case for the compactness of atomic physics, making it an exemplar of disciplines. It displays a stability and coherence that all other disciplines and would-be disciplines aim toward. Despite differences, atomic physicists have shared a problem focus that has united their efforts over successive generations covering a 70 year time span. This Toulmin calls the human continuity of a discipline. Every apprentice physicist has entered into the intellectual ideals of the discipline:

> Certain aspects of any science can thus be described in impersonal terms: their historical development can be discussed as an episode in the history of ideas. Other aspects can be discussed in human terms alone: their historical development forms an episode in the history of human activities. At a more fundamental level. . .the intellectual activities of a scientific profession reflect both the stance with which the men concerned approach their experience of Nature, and the concepts in terms of which they interpret that experience. At this level, we can no longer separate the activities of scientists sharply from the concepts and theories which are the outcome of those activities. . . .
> . . . /T/he historical transformation by which the content of a scientific discipline evolves is intelligible only in terms of the current explanatory ambitions of the relevant professional guild. Yet . . . the character of those ambitions can itself be explained only by using terms drawn from the vocabulary of the discipline. The subject matter of a science is in fact 'problematic' at all, only when considered in light of those intellectual ambitions of the scientists concerned; yet those very ambitions can be formulated realistically only in light of experience in the relevant subject matter. In this dialectical manner the task of defining the current ideals of a science with all the necessary precision implicitly mobilizes the whole of its historical experience.[37]

Atomic physics exemplifies this position; it serves Toulmin's needs to illustrate the professional and problem focus roots of compactness. These are the two elements which bind disciplines together. The continuous affiliations among professionals are important: "the groups of men who work as atomic physicists, or cell biologists, or neuroanatomists, are linked as masters and pupils in scholastic genealogies; the learned societies and research centres of each science are linked in similar institutional genealogies; while within a given science, other genealogies link the experimental apparatus, the explanatory models, the terminologies, mathematical techniques, and subject matters of earlier phases /of the discipline's development/ to those of later phases."[38] In addition to such professional genealogies, disciplines are also held together by genealogies of problems, in the sense that, "in the sequence of theories, later models and concepts owe their legitimacy to having resolved problems for which earlier models and concepts were inadequate."[39] In this way, "the problems around which successive generations of scientists focus their work from a kind of dialectical sequence; despite all the changes in their actual concepts and techniques, their problems are linked together in a continuous family tree."[40]

The disagreements between Toulmin and Thomas Kuhn with regard to such development are familiar and need not concern us here. A broader unity between these weltanschauungan theorists is more important: whether revolutionary or evolutionary, change occurs in disciplines because they aim, as a fundamental part of their daily activities, at improvement. Scientists organize their activities around the goal of "getting better."

The aim of "getting better" would seem to affect scientists regardless of their individual points of view and regardless of their respective schools of thought when they are in compact disciplines. The psychological importance of schools of thought, with the broad disciplinary goal of getting better presumably increase as one moves downward on the pyramid. The differences between Toulmin and, say, Dudley Shapere may be attributable to their respective foci on different levels of the pyramid. Toulmin distinguishes his view of disciplines from Shapere's notion of "domains" on the ground that "even these domains have to be identified, not by the types of objects with which they deal, but rather by the questions which arise about them."[41] Shapere defines "domains" in terms of; (i) bodies of information, associated by virtue of some relationship; (ii) shared views of problems obtaining in the bodies of information; (iii) shared perceptions of the importance of the problems; and (iv) shared commitment to some "readiness" or capacity to deal with the problems.[42] Thus, Shapere sees less stability within disciplines than Toulmin does--again, possibly because he focuses upon diffuse or would-be disciplines at the middle of the pyramid. For him, interfield distinctions are often fuzzier and less precise than Toulmin might wish. After all, Shapere says, "not much ingenuity is required to find some relationship between any set of items. But in the case of those associations in science for which I will reserve the name 'domains,' the associations are . . . well grounded though 'well groundedness is certainly a matter of degree'."[43]

Groundedness is a matter of shared perceptions about the importance of a problem; and assumptions about a "deeper unity" within a domain are open to suspicion. That is, "that a body of information constitutes a domain is itself a hypothesis and may ultimately be rejected: either what were originally supposed to be adequate grounds (relative to the state of science at the time) for considering the information to constitute such a unified domain should not have been as compelling as they were taken to be, or else new information, uncovered later, so altered the situation that, relative to that new state of science, the grounds for suspecting disunity . . . come to outweigh those for suspecting unity. In either case, it would be found that the hope for a unifying account must be abandoned, and the previous domain, so to speak, split."[44] Such cases, Shapere believes, are common: "although we find a general trend toward unification, the history of science does not consist of a steady, unwavering march toward greater and greater unity."[45]

Moving downward on the pyramid, disciplinary stability may be threatened by competing schools of thought. Fields may wax and wane--some absorbing others as they expand, others being absorbed, and others becoming narrower and more clearly defined due to improvements in the rigor of their public systems. Problems associated with determining the extent of domains illuminate the nature of domains:

> Recognition of the importance of a domain almost invariably leads to intensive efforts to make the domain more precise, and to determine its extent more accurately. Such activity often eventuates not only in greater precision with regard to the known elements, but also in the discovery of new ones; and even, on occasion, in a shifting of the characterization of the domain itself. Such shifting may . . . lead to a restatement (instead of a mere refinement) of the problem which initially gave importance to the investigation of the domain."[46]

The diffuse and would-be disciplines, then, aim at getting better; they reflect on their disciplinary status when problems arise directing their attention that way; these problems are often results of differences between competing schools of thought. Thus, psychologists reflect on "the nature of the field of psychology" when disputes between different schools (Freudians versus behaviorists or constructivists versus cognitivists) seem to threaten the advances of the "field of psychology" toward compactness.

Two important ideas emerge from this: (i) the term "discipline"--and all its variants on the pyramid--entails a "strain toward improvement;" it is the desire to get better which distinguishes disciplines and would-be disciplines from the non-disciplinary fields; and (ii) this has only ambiguous implications for argument--it is unclear that the broad disciplinary rubrics (in the middle of the pyramid) are useful guides to the nature of argument fields vis-a-vis these subject matters.

The first notion suggests that Toulmin's development of "disciplines" contributes little to an understanding of non-disciplinary discourse--ordinary talk--at the base of the pyramid. Here, people do not share an aim toward epistemic improvement. They may join into agreements and mass movements that could loosely be called "schools of thought," but I submit that such movements are quite different in that they are not usually, if ever, aimed at improvement of knowledge. Most popular movements seem rather to presuppose some body of knowledge, unreflectively, and to work from such presuppositions toward a tangible social or political goal. Thus, activities at the pyramid's base differ in kind from disciplinary activities. The "facts" of ordinary fields are of a unique order--partaking of many subjects, many divergent assumptions about knowledge, and probably divergent views of argument.

The second notion suggests that shared problem foci are not especially good underpinnings for defining argument fields. I have already suggested the senses in which the competing schools of thought in sociology or psychology are better points of reference than the broader professional rubrics. The names for these schools seem superior starting places for defining argument fields, viz., "positivism," or "behaviorism," or "relativism," or "phenomenology," and so on. There are, after all, "behaviorists" in several different scholarly (academic) divisions; and behaviorists in psychology, political science, and sociology would seem to have more in common that, say, a behaviorist and a constructivist who both were, by profession, psychologists.

To phrase this argument in Toulmin's words, behaviorism is a "standpoint" from which one can argue about ideas and events--a point of view, a way of defining things. So are "Freudianism," "constructivism," and most of the other "isms" that make up the diffuse and would-be disciplines. These rubrics, of course, blur many specific differences among their followers; but they do seem to comprise a person's assumptions about given subjects, the field out of which he generates arguments. Thus, fields can be looked at as schools of thought, orientations, background assumptions which affect a person's thinking. A person who is a behaviorist may use that perspective as an organizing point of view, a superordinating system which allows him to make other events and ideas meaningful.

At the pyramid's middle, then, competing schools of thought are the best ways of defining argument fields, whatever their value to philosophers of science. These schools, rather than the disciplines which contain them, are the roots of the data and claims of arguments, the sources of "differing logical types." The force and criteria of modal terms are similarly rooted in the subject matter as interestedly construed by a school of thought. I now turn to a more specific discussion of ordinary argument fields.

3.2 *Must ordinary fields be "psychologically grounded?"* I have argued above that understanding the middle range disciplines *as argument fields* entails this; and, with respect to the ordinary fields, my claim is much stronger. The field notion, *sans* reference to personal psychological perspectives is incoherent and, at best, arbitrary.

Atomic physics is too felicitous a paradigm case; it avoids the complexities of ordinary discourse if we take Toulmin's exposition at face value. As an argument field, it focuses upon the specialized communications between specialists pursuing a relatively narrow and rigorously defined set of concerns. Toulmin's work may tell much about the arguments of atomic physicists about atomic physics; but most argumentation scholars are interested in much more difficult matters, say, the arguments of atomic physicists about politics, farm prices, abortion, or any other subjects outside their professional spheres. Farmers doubtless discuss agriculture, but they also discuss atomic physics, however inexpertly, if light water reactors are built near their farms. Physicists and farmers, as well as everyone else, can and do argue about matters outside their professional spheres; and the field notion ought to be able to explain such arguments. Toulmin's formulation avoids this, I think. *Understanding* stresses the *psychological* character of such arguments, but sees this characteristic only in terms of how it sets ordinary talk off from disciplinary discourse. That is a valuable concern, but it helps argumentation scholars not a whit. Since *Uses* seeks to de-psychologize logical form, it would seem that Toulmin has little to say about ordinary argument.

3.3 *Can one easily specify ordinary field grounded arguments?* When farmers and physicists argue outside their respective professional domains, it is not intuitively obvious what substantive "fields" they draw their data and claims from. Abortion, for example, can be and often is a moral, theological, sociological, psychological, ethical, medical, biological, genetic, and police issue. These are different disciplines to be sure, but *as disciplines*, their approaches to the abortion issue might display important commonalities. None of the above categories, in fact, seems self-sustaining, autonomous, or unique. Looked at as a police issue, for example, abortion has sociological, psychological, theological, ethical, and biological implications--all of which are likely to arise when police officials discuss abortion policies. And so on with respect to each perspective. The abortion issue, then, crosses disciplinary boundaries so extensively that it is possible to think of "abortion" itself as a sort of field, drawing special features of many fields to it as an autonomous issue.

This is probably true of most political issues. Nuclear power safety, honesty in government, judicial lenience, and a host of similar issues, seem similarly to partake of such an extensive list of subject matters that *as issues* they seem to constitute fields--at least in a loose sense of that term. Any specific argument will most likely employ data and claims from many subject domains. The degree to which any argument directly takes data and claims from domains, however, it always depend on the intentions of the arguer, which means that ordinary argument must be understood from the psychological perspectives of arguers.

3.4 *Is the force-criteria distinction misleading*? It does cut more finely across some distinctions than does the term "meaning," but for argumentation theorists it is rather a blunt instrument. It rules meaning out by fiat. While this may or may not be possible in the natural sciences, it is surely indefensible in the social sphere. I am making a rather common argument here, but it merits some emphasis because of the importance of the force-criteria distinction to Toulmin's view of argument fields.

Many theorists--Cicourel,[47] MacIver,[48] and Weber[49] come immediately to mind--have urged that there are fundamental differences between the subject matters of the natural and social sciences. The intuitive idea has usually been that events and objects have *meanings* for the people studied--these meanings thus being the core research problem. Schutz has stated this position succiently:

> . . ./T/here is an essential difference in the structure of the thought objects or mental constructs formed by the social sciences and those formed by the natural sciences. It is up to the natural scientist and to him alone to define, in accordance with the procedural rules of his science, his observational field, and to determine the facts, data, and events within it which are relevant for his problems or scientific purpose at hand. Neither are those facts and events pre-selected, nor is the observational field pre-interpreted. The world of nature, as explored by the natural scientist, does not 'mean' anything to the molecules, atoms, and electrons therein. The observational field of the social scientist, however, namely the social reality, has a specific meaning and relevance structure for the human beings living, acting, and thinking therein. By a series of common sense constructs they have pre-selected and pre-interpreted this world which they experience as the reality of their daily lives. It is these thought objects of theirs which determine their behavior by motivating it. The thought objects constructed by social scientists, in order to grasp this social reality, have to be founded upon the thought objects constructed by the common sense thinking of men, living their daily life within their social world.[50]

Cicourel draws from this that "the precise measurement of social process requires first the study of the problem of meaning in everyday life. Social inquiry begins with reference to the common sense world of everyday life. The meanings communicated by the use of ordinary day-to-day language categories and the nonlinguistic shared cultural experiences inform every social act. . . ."[51]

The term "probably" could display countless gradations toward certainty in ordinary talk; and there are no special reasons to believe that these special meanings can be precisely determined by reference to linguistic context. It is to the psychological perspective of the speaker that we must look in determining the *force* of the term as well as its criteria. Toulmin repeatedly *states* that the force of modal terms is invariant, but never explains why this is so. He accomplishes the neatness of the force-criteria distinction by little more than fiat, then, because the distinction arbitrarily rules out meaning. The distinction is a way of getting away from psychologized argument--but a perfectly arbitrary escape.

3.5 *Does Toulmin's rejection of "subjectivism" support his "non-psychological" view of argument?* He attacks the subjective doctrine for an "obvious defect: if it were true, there would be nothing to be said when two people asserted opposite views about the value of an object or action."[52] Thus, "no subjective theory can give any account of what is a good reason for an ethical judgment or provide any standard for criticizing ethical reasoning."[53] The meanings of these pronouncements are revealed when one realizes that Toulmin's exemplars for the subjective doctrine are Ayer and Stevenson--which means that he construes subjectivism uniquely in terms of moral *responses*. Stated perjoratively: when a person says "X is good" he describes merely the state of his glands. Thus, "if X is a word for a subjective relation, and two people are asked 'is this X?', they will answer in logically *independent* ways: each will say whether X describes the effect of the object on *him*. They may without contradiction give opposing answers--for it may have opposite effects on the two of . . ."[54] Ethical statements, then, cannot be comparatively evaluated because two statements by two different persons are *logically independent*--by which he apparently means that they are of differing logical types. The "fields" notion per se is not alluded to in this discussion.

This is an unfairly narrow discussion of the possibilities for "psychological" approaches to ethics and reasoning. Stevenson and Ayer produced systems which are more consistent with psychological behaviorism than with the constructivist view now gaining popularity.[55] This view holds that an ethical statement springs out of personal construct systems which inform an actor's predictions about events. The "man-as-scientist" metaphor is at the core of this perspective. Toulmin advances some arguments about ethical reasoning and the perception of consequences that seem quite consistent with this psychological approach--and proportionately inconsistent with his categorical rejection of subjectivism:

> Given two conflicting claims . . . one has to weigh up, as well as one can, the risks involved in ignoring either, and choose 'the lesser of the two evils.' Appeal to a single current principle, though the primary test of the rightness of an action, cannot therefore be relied on as a universal test: where this fails, we are driven back upon our estimate of the probable consequences. And this is the case, not only where there is a conflict of duties, but also, for instance, in circumstances in which, although no matter of principle is involved, some action of ours can nevertheless meet another's need. . . .
>
> So it comes about that we can, in many cases, justify an individual action by referring to its estimated consequences. Such a reference is no substitute for a principle, where any principle is at issue: but moral reasoning is so complex, and one has to cover such a variety of types of situation, that no one logical test (such as 'appeal to an accepted principle') can be expected to meet every case.[56]

Thus, two kinds of moral reasoning are distinguished. Faced with conflicting claims, a person either appeals to an accepted principle or seeks to evaluate the probable consequences of the two claims. There are, as it were, reasons for individual acts and reasons for social practices. This reasoning, however, presupposes a forward-looking, calculative being who seeks to understand events in order to predict them. This is uniquely a psychological process. Further, it means that conflicting moral claims can be compared according to some psychological system. To purloin Cicourel, the fact that a social scientist needs to understand the background assumptions and rules of naive actors does not mean that he has to adopt their evaluative standards. A person judging competing claims will resolve them according to whatever personal principles seem to have worked best for him in the past.

Toulmin repeatedly stresses that a person's reasons for actions must be worthy of following; but it is not unfair to say that he ambiguously pursues the grounds for declaring actions and objects to be worthy. The quality of reasons resides in the reasoning processes employed to get to them; but the quality of reasoning is field dependent. Thus, serious paradoxes emerge--and they stem directly from Toulmin's attempt to avoid psychology.

One can argue in favor of a war on purely economic grounds: human lives are assessed dollar values; different national views of the value of life can be weighted and thus compared; and a nation's interests in a war can be expressed in a simple profit-loss calculus. David Halberstam has argued that the Vietnam war was conducted on such cost-benefit grounds by a group of like-minded men sharing this system of thought. The intuitive revulsion felt by liberals toward the war was alien to this community of discourse: issues of good and evil, right and wrong, were reduced to simplistic profit-loss or cost-benefit calculations by decision-makers who called themselves "pragmatists." Now, how are we to go about evaluating the conduct of these men? My argument here is that the field notion is useless.

To criticize the pragmatists, Toulmin could either (i) identify the field's value system--its standards of believability, relevance, and legitimacy--and accept it on its own terms, or (ii) attack the field's standards from outside--from another framework of values, presumably criticizing the decision-makers for not meeting those criteria. Yet, if values are field dependent, from which field are the norms of pragmatism to be attacked? If values are not field dependent, then ethics must be an a priori science along lines similar to the traditional approaches which Toulmin criticizes. Toulmin states clearly that the criteria for modal terms are dependent. Thus, the applicability of terms like "good" and "evil" must be rooted in the field in which they are applied. So, the question remains: from which field are we to attack the pragmatists?

The degree to which we are willing to say that there are argument standards which every good argument (in whatever field) must meet is the degree to which we depart Toulmin's program to defend invariance. Yet, cost-benefit arguments might well meet the usual standards of good argument (consistency, relevance, etc.). Although Toulmin does not explicitly acknowledge it, he works consistently with a sense of material validity when dealing with moral arguments. Yet, the truth tests are always rooted in the standards, traditions, and practices of a field. For example, he argues that a paradox of subjectivism is that it declares some valid inferences to be devoid of interest:

> This is the conclusion to which any supporter of the subjective doctrine must come--and it is fatal to every subjective theory. For common sense will immediately reply-- 'devoid of interest? If a man tells me that it is right for him to kick the niggers around, because everyone else does, is it of no interest whether his argument is valid or not?'--Thus revealing the paradox involved.[57]

Now, the reasoning "I should do what everyone else does; everyone else does X; I should do X" is formally correct--to purloin Aristotle, it can only be attacked "from outside" in terms of the assumptions behind its premises. But this builds paradoxes into the field notion.

How are we to criticize the Vietnam war pragmatists? There is nothing preventing us from assigning ethics an invariant status, but such a general ethic would have to be intuitively derived *or based on a logical system* (viz., the assumptions about reason and reasoning that produced the ethical principles). If the former is true, *intuition* is the starting place for evaluation and the validity of individual premises (Toulmin's examples or my own) *is* devoid of interest. If the latter is true, we can attack the standards of one field from a regnant ethical field if and only if its logical system can be defended as invariant. This may vitiate the field notion: if the ethical field is invariant, individual cases of applying its generalizations are irrelevant to the deduction from the general rules. The facts of individual fields--arenas in which ethical principles are brought to bear--would be *irrelevant*. If, on principles they use (their criteria for applicability, for example), tests of the worthiness of reasoning to and from ethical principles must themselves be rooted in the field--which, I think, means that ethics for all practical purposes cannot be a regnant, a priori, invariant field. If it is not, how are we to defend imposing ethical principles on individual fields? Why can the individual fields not generate their own ethical systems which better meet their needs? Some facetiousness, of course, is intended here; but the example is, I think, decisive.

Fields, it would seem, have to be rooted in some form of intuitionism--at least vis-a-vis values. I am using a special sense of intuitionism which is detailed elsewhere[58] and which, in briefest compass, sees intuition not as a faculty but as a repository of regnant values (constructs) which inform (give meaning and direction to) cognitive systems. Constructs are arranged hierarchically--embedded in frameworks as it were--and take their meaning from the regnant constructs which subsume them. Regnant dimensions stand at the top of the hierarchies and their effects are so pervasive that they are not always apparent, even on social community filtered through the interpreted experiences of the individual. They *are* the "moral sense" that early intuitionists took for a faculty--but they do not comprise a faculty; they are merely the results of interpreted experience. Thus, my statement that "McNamara was wrong in equating lives with dollars" springs from an intuitive distrust of the cost-benefit field from which he was working. My statement explicitly asserts the superiority of one set of values over another--one field over another. If the intuitionist line is the best way of salvaging the field notion, fields will have to be identified with the thoughts and interactions of individuals.

This approach to intuition does not entail rejecting Toulmin's ethical system per se but is disjoins ethics from the field notion and "psychologizes" argument. Thus, the place of reason in ethics is where the reasoning occurs--in individual minds. To a point, this fits into Toulmin's reasoning. There exists a pre-existing moral code which reflects the accumulated experiences of the social order. This compendium of established maxims is never permanent, although people may choose to believe that it is (which is why people believe intuition, sometimes, to be "infallible"). This combined code is transmitted to individuals as they are socialized into the social order; but this is not a passive deterministic process: the code is created anew, as it were, as each individual constructs it through interpreted experience. This code, for Toulmin, consists of the "case law" of morals--the metaphor with his treatment of scientific disciplines is apparently to be taken rather literally. I construe this body of case law along lines suggested in my earlier critique of the juridical analogy: considerable individual innovation **as** inherently possible; and a person is an guided by the appeal to case law as he thinks he must be.

There is a constant dialectic between the body of case law and individual circumstances. Specific field dependent judgments must be made; and fields are not static--they change over time. Thus, the case law will itself change as new elements must be dealt with and as it becomes apparent that old principles no longer suffice for given applications. Here, of course, I shall reverse Toulmin's reasoning: this evolutionary process is inevitably "from is to ought" rather than the reverse. The needs of individual fields create new ethical principles or point the way toward them. In this special sense, ethics is not a completely independent field. One would worry about committing the naturalistic fallacy only if one were dealing with a body of invariant principles.

To pursue another example, it is unclear from what field we are to evaluate a general's statement, "we had to destroy the town in order to save it." Given the general's community of discourse, there is little wrong with his logic. "Save it" means keeping the town free of communism--the military goal. Sartre's oft-quoted definition of evil comes immediately to minds, viz., the abstraction of that which is concrete--a proposition by virtue of which the general's statement is morally deficient. But the general may rightly reply that the abstractness-concreteness dichotomy is inapplicable to military matters. He might, that is, challenge the criteria. Military reasoning is inherently concrete, and the statement "we had to destroy the town" is not an abstraction but a literal and simple statement that the town was denied to the communists--which was the whole point of the military action. How, then, can we justify imposing Sartre's uniquely ethical statement to a field which is, by definition, pragmatically founded and "outside ethics" (in the sense of General Sherman's wonderful mea culpa "war is hell"). Imposition can be justified on ethical grounds, but this is arbitrary unless some clear invariant principle can be shown to justify it. This is the root dialectic Toulmin speaks of between the ethical field and its specific applications. One must derive principles which work from the implied caveat "under the special circumstances of the horrors of war, the following standards of conduct are acceptable." Otherwise, one would ignore the needs of the military field and say that "no conditions warrant such actions; war is by definition evil; so nothing done in the name of war can be morally justified". The former risks prostituting itself to the needs of military reasons and assuming the "Sky Pilot" posture of justifying the conditions of war; the latter risks being widely ignored. Such conflicts between the moral code and field-rooted practices are, of course, common. I contend that it is unrealistic to attempt to explain them without reference to the psychological processes by which individuals in practice deal with such conflicts. Moral terms may have force and criteria, but they also have strong affective meanings--which is why the soldier who has to wrestle with conflicting patriotic and religious values is engaged in a psychological process which is the core process of judgment.

Thus, Toulmin's attack on subjectivism is not a strong case against psychological approaches to argument. He attacks only a narrow and especially vulnerable variety of psychological approaches; and more important, he arrives at a view which can be psychologically interpreted. One has only to grant that, while societies have moral codes, they also have patriotic codes and business codes and even contending ethical codes which may conflict in individual cases. Thus, we understand the operations of the codes best when we see them in conflict with one another--when we observe how individuals resolve the conflicts. *Interpreted psychologically*, the quotation from Dickinson with which Toulmin concludes *Reason in Ethics* may well describe how, vis-a-vis individuals, moral principles evolve:

> It is the part of Reason . . . to tabulate and compare results. She does not determine directly what is good, but works, as in all the sciences, upon given data . . . noticing what kinds of activity satisfy, and to what degree, the expanding nature of this soul that seeks Good, and deducing therefrom, so far as may be, temporary rules of conduct . . . Temporary rules, I say, because, by the nature of the case, they can have in them nothing absolute and final, inasmuch as they are mere deductions from a process which is always developing and transforming itself. Systems of morals, maxims of conduct are so many landmarks left to show the route by which the soul is marching; casts, as it were, of her features at various stages of her growth, but never the final record of her perfect countenance.[59]

Thus, the evolutionary view: the system gradually evolves new approaches to the problems of individual fields. I merely add that this is done by people, situated actors dealing with meanings and often disagreeing about the meanings of ethical principles and their criteria for application.

3.6 Must "fields" be uniquely linguistic? I have elsewhere argued that arguments consist of all the communication modalities available to humans--that they are nondiscursive as well as merely discursive.[60] Propositional utterance, by this view, is sometimes only a minor part of argument. Toulmin, of course, equates fields with statements which can be made about them. Their histories of ideas are compendiums of propositions, reasonings, and formalized assumptions. Arguments are propositions related in ways described by his familiar diagram. One cannot diagram kinesic, paralinguistic, and proxemic cues; and thus Toulmin conceptualizes fields and the arguments therein uniquely in terms of propositional utterances. This focus may be more appropriate to his philosophy of science than to social research, but I seriously doubt it. By my view, fields have background awarenesses, unquestioned and unstatable assumptions, sequencing rules, and a host of other orienting rules which operate at the background of awareness and which directly affect the communication between a field's actors. This is why it seems better to equate fields with systems of thought, shared standards for communication, and--quite by definition--shared meanings or ways of looking at and explaining phenomena.

One is able to de-psychologize argument by making it a uniquely linguistic phenomena. Propositions written on paper can be looked at independent of the perspectives of actors. Languages, of course, are public codes which sustain stability across contexts and people; and such analyses may gain insights into a language's systemic dimensions. I contend, however, that such analyses offer few insights into ordinary argument and are probably fatally misleading. Ordinary arguments are oral, not written, and involve situated actors dealing with meanings--non-discursive and discursive meanings. The complexity of this fabric of meaning cannot be depicted diagrammatically or otherwise set to paper. Thus, there are no good reasons for supposing that fields of any sort consist only of written documents or practices which can be fully described propositionally. In his profound study of participant observation, Bruyn states flatly that "social consensus has an outer aspect which is visible in verbal agreements, but there also exists an inner aspect which is built from faith or confidence in the soundness of those signs or indexes of knowing truths."[61] Writers such as Kierkegaard, Kafka, de Tocqueville, and Weber are seen by Bruyn as researchers in the best sense of that term:

> They all observed, and at the same time participated in, the social processes of communication in their societies. They interpreted man not simply at the level of sense data, but at the level of meaning evident in these processes, and were thus able to acquire a kind of interior vision which explained an inescapable and powerful reality of man living in society.
>
> The unrecorded elements, the unwritten procedures which entered into the making of such significant interpretations of man, could be made explicit for others to follow in their own arenas of social research.[62]

Thus, "the adequacy of a social meaning . . . is determined in part by social consensus which is established by communication with the people who hold these meanings."[63]

The cohesiveness of fields stems from the affective pull they exert on individuals. Fields are usually formed around what Pepper has called "root metaphors" which Bruyn sees as the sources of the great ideas which guide men in society:

> When root metaphors function steadily in the language of any people, including social scientists, they become accepted without question as having their own reality. When metaphors of science become large and compelling and are viewed in this way, the metaphor functions as myth.[64]

Such meanings are personalized indeed and can be correctly understood only vis-a-vis individual perspectives. Cassirer has argued this case convincingly:

> . . .all attempts to intellectualize myth--to explain it as an allegorical expression of a theoretical or moral truth--have completely failed. They ignored the fundamental facts of mythical experience. The real substratum of myth is not the substratum of thought but of feeling. Myth and primitive religion are by no means entirely incoherent, they are not berift of sense or reason. But their coherence depends much more upon unity of feeling than upon logical rules. This unity is one of the strongest and most profound impulses of primitive thought.[65]

In the natural and social sciences, Bruyn says, the organic and physical metaphors are taken so literally that they are "dead metaphors". They have been harmful in that they stimulated a research focus upon only those phenomena which fit neatly into the framework of traditional science. Situated meanings were not apparently amenable to clear quantification and modeling and were proportionately ignored.

Dilthey, writing as an historian but making a case for the social sciences in general, urged a distinction between natural and social sciences because the essence of the social subject matter was meanings.[66] All events, he argued, have outer shells of impression but are most fundamentally constituted by situated actors who endow them with meaning. The inner life of man gives events meaning. For example, the natural sciences see a concept such as "power" hypothetically--its validity is directly linked to the idea of causality; the human sciences, however, see power as a phenomenon that can be experienced by someone--that is manifested in its psychological effects.[67] Thus, the neo-Kantian rational goal is rejected because--standing along--it distorts the character of social action. For Dilthey, just as for Weber, meaning may have both objective and subjective dimensions; and it is distorted unless both are correctly understood. One understands meaning subjectively, in Weber's words, "through sympathetic participation" in the emotional context of action.[68] This is similar to Buber's distinction between "I-It and I-Thou" relations: meanings are only understood as consensual, communal, interactive productions between people; the "I-It" relationship envisioned by traditional science will miss the point of meaning entirely.[69] Fields, we might say, are founded on a faith which defies any research which does not confront its human subjects as meaning-centered, meaning-producing, and meaning-communicating entities:

> Cultural life includes the dimension of faith, and the social scientist must know of faith and be able to explain it by understanding both the outward symbolic expressions and the personal . . . meaning of these symbols . . . A social researcher cannot understand the deeply felt religious beliefs or those political beliefs that bring people to the point of sacrificing their lives until he has understood the symbolic forms . . . which identify these beliefs from each perspective. . . .
>
> It is only through personal knowledge of the religious faith or the political loyalty of a people that an observer can formulate adequately the concepts explaining this reality. The concrete concepts which he formulates must have a real referent to the inner meaning of symbols. . . .[70]

This means that "the social scientist cannot understand people scientifically in any adequate sense unless he understands them in particular, and for their own sake. This is part of the human perspective which now must be understood as part of the scientific culture of man. It is a 'participant requirement' for the researcher who seeks to know his subjects adequately."[71]

Intentionally or not, Toulmin would have us focus on the artifacts--the tangible, obdurate documents of a field. This is something close to an "I-It" view of fields which ignores the situated actors whose daily activities give the field meaning. This is why Bruyn believes that participant observation is complimentary to traditional research forms: "such meanings become apparent to the empiricist as he participates in the processes of communication and symbolic life experienced by the people being studied. The empiricist who can design the major outlines of his sensory observations yet remain open to new meanings given symbolically in the situations he studies is thus rewarded by finding new perspectives cast on his data."[72]

Understanding a field entails role-taking: "the participant observer . . . studies meanings which exist in the minds of people other than himself by empathetically taking their roles as though they were his own; he participates in the natural processes of communication extant in the culture he studies."[73] One comes to know a field, then--to use a classic phrase--by "going native," coming to understand a communication system by being socialized as far as possible into it. If fields do differ because their arguments are of different types, they undoubtedly do so by virtue of the common practices and background awarenesses of the actors performing the daily activities central to the field. No written document can do full justice to the complex interplay of public standards and private frameworks that produces argument. The senses in which arguments are grounded in fields are as yet imperfectly understood because argumentation scholars and logicians have, following a natural science model, focused upon fields' public records rather than their routine activities.

When people argue, they speak from their personal perspectives; they cannot do otherwise. If argument is a kind of communication, there is no reason to suppose that arguers do not use every available modality, just as they do in other kinds of social interaction. The full repertoire of kinesic, proxemic, and paralinguistic will intermingle with propositions--taking their meanings from the co-orientation of the actors, their definitions of situation, their episodic and dispositional attributions to each other. Definitions and attributions are given meaning by what the actors think they are doing.

Argument fields consist of the co-orientations between arguers, the grounds out of which they generate their arguments. Analysts can define ordinary fields by reference to actors' definitions--indeed, this is possibly the only way to assess the effects of ordinary fields on arguments. Fields are not static entities. They are shared orientations toward ideas or events which are acted out and continually renewed or revised in the ongoing accomplishments of the people who work from the shared view.

Fields are incomprehensible apart from the perspectives of people; and propositional utterance ought never be ripped out of its situated context by virtue of the arbitrary assumption that propositions somehow stand alone. The stability and regularity ordinary fields do display is manifested in action--in the regularities of ongoing operations. The natural science model is not well-suited to understanding such routine accomplishments because it rules out perspective-taking as the core process of research. Toulmin often refers to the sociological character of his program, which is clearly understood to be opposed somehow to psychological accounts. This is an unrealistic dichotomy reflecting the distorting effects of the natural scientistic lense, the effects of looking downward from the top of the pyramid and making assumptions about diffuse and non-disciplines based upon observations of compact disciplines. This reflects too strong a commitment to the natural science model and a dated view of sociological "entities." Following rather different assumptions, I claim that an ordinary field must be a social-psychological construct and that the phenomena to be explained by the field notion must be grounded in the meanings which are traded, argued, and negotiated by situated actors.

## SUMMARY

Toulmin's field notion struck a responsive chord among argumentation scholars because it seemed intuitively sound, a sensible alternative to the emptiness of a priori logics. Few of us stopped to question whether Toulmin might be stepping to a cadence that was alien to the needs of ordinary argument analysts, whether his program as a philosopher of science might be divergent or incompatible with the need for descriptive analyses of daily discourse. Argumentation scholars played the descamisados and took up the field notion without carefully evaluating its capacity to bear the theoretical weight being placed upon it. Toulmin cannot be blamed for this except insofar as Uses proclaimed a focus on ordinary discourse.

Toulmin's treatment of the ordinary field notion is too unclear to serve as underpinning for theoretical development. It singularly fails to explain working logics in ordinary arguments. Despite the egalitarian terms in which he couches his treatment of working logics, his system is best suited to the disciplinary fields and its focus of convenience is the compact disciplines. Given his goal of de-psychologizing argumentation, Toulmin's system has little to say about ordinary discourse which Understanding sensibly relegates to psychological perspectives. He offers the analyst no clear guidelines for understanding the logics-in-use in daily argument.

Toulmin stands at the top of the pyramid of rational enterprises, looking downward, his vision proportionately colored by his observations of the compact disciplines. These disciplines provide a poor conceptual lens through which to describe discourse in more diffuse and ill-defined domains. Indeed, the relation between discourse in compact disciplines and the non-disciplinible fields is, to purloin Toulmin's phrase, "impenetratably obscure." He uses the field notion to avoid the extremes of traditional logic and relativism, but it serves him poorly in this respect as it becomes ambiguous and at times equivocal.

The best resources for salvaging the ordinary field notion reside on the relativist side and require abandoning the goal of de-psychologizing argument. Toulmin's work, in fact, does not present a compelling case for eschewing the psychological line with respect to ordinary fields. He explicitly acknowledges the importance of personal perspectives for ordinary discourse; his logical system applies only tangentially to it. His attacks on subjectivist views focus upon a narrow and especially vulnerable variety of psychology; most of the examples in Uses are best understood from the perspectives of situated actors dealing with meanings. The jurisprudential analogy, which he calls central to his system, makes little sense apart from the personal perspectives of legal actors. That analogy comprises, I think, the strongest criticism of his work, the weakest link in his formulation. It turns against him as an eloquent example of the social psychology of argument fields.

## FOOTNOTES

[1] Stephen Edelston Toulmin, The Uses of Argument, (London: Cambridge University Press, 1958), p. 1. Hereafter cited in notes and text as Uses.

[2] Criticisms of Toulmin's work by professional logicians are familiar. See, for example, J. C. Cooley, "On Mr. Toulmin's Revolution in Logic," The Journal of Philosophy, 56 (1959), 297-319; J. L. Cowan, "The Uses of Argument--An Apology for Logic," Mind, 73 (1964), 27-45; and Peter T. Manicas, "On Toulmin's Contribution to Logic and Argumentation," Journal of the American Forensic Association, 3 (1966), 83-94. I wish to avoid this fray with respect to logic per se, but it is worth noting that many of these writers agree that Toulmin's central contribution is the field notion. As Manicas says, "the solution is not to rename validity to cover correct non-deductive argument, but to look more carefully into those field-dependent features of correct non-deductive arguments which make them correct." Thus, in the process of severely criticizing Toulmin, Manicas takes the field notion rather at face value. A recent criticism of my own work similarly employs the field notion as a self-sustaining philosophical concept. See Brant R. Burleson, "On the Analysis and Criticism of Arguments: Some Theoretical and Methodological Considerations," Journal of the American Forensic Association, 15 (Winter, 1979), at 146: "Toulmin's notion of field dependency is a particularly useful and insightful way of conceptualizing context. Properly understood, the Toulmin diagram leads critics and theorists to consider what may be termed the substantive context of an argument." The features of fields are considered by Burleson (146) to be relatively stable: "The substantive context thus provides critics and theorists with important clues as to how ideas, concepts, propositions, and arguments are interpreted and utilized within a given community. Unlike transient and ephemeral interactional contexts, substantive contexts are relatively stable and enduring." Burleson, then, asks the field notion to bear substantial theoretical weight.

[3] Over his scholarly career, Toulmin's program seems consistently to have been the study of knowledge in all its manifestations. Science has been central to this task because Toulmin believes that it is archetypal of the processes of knowing. See his The Philosophy of Science: An Introduction (London: Hutchinson, 1953); and his other books on specific sciences, for example, Stephen Toulmin and June Goodfield, The Fabric of the Heavens: The Development of Astronomy and Dynamics

(New York: Harper and Row, 1961), p. 15: "The task of these books is to illustrate and document the manner in which our chief scientific ideas have been formed." Further (pp. 12-13), "if we are to understand even our own scientific ideas, . . . we shall do well to study the strong points of the scientific systems which /our up to date calculi/ . . . displaced. From the quandaries and difficulties which delayed the formation of our modern 'common sense' we can discover best the true character and meaning of our twentieth-century conceptions." See also Stephen Toulmin, "Criticism in the History of Science: Newton on Absolute Space, Time, and Motion," Philosophical Review, 68 (1959), 1-29; and Foresight and Understanding (New York: Harper and Row, 1963), hereafter cited in notes and text as Foresight. His "evolutionary view" of the progress of knowledge has gradually emerged from "Conceptual Revolutions in Science," in R. S. Cohen and M. W. Wartofsky, eds., Boston Studies in the Philosophy of Science, III (Dordrecht: Reidel, 1967); and "The Evolutionary Development of Natural Science," American Scientist, 55 (1967), 456-471. See also his "Does the Distinction Between Normal and Revolutionary Science Hold Water?" in Imre Lakatos and Alan Musgrave, eds., Criticism and the Growth of Knowledge (Cambridge: Cambridge University Press, 1970), pp. 25-38; and "The Structure of Scientific Theories," in Frederick Suppe, ed., The Structure of Scientific Theories (Urbana: University of Illinois Press, 2nd ed., 1977), pp. 600-614. Thus Toulmin has consistently sought to develop an evolutionary model of conceptual change. The place of Uses in this program is specifying the place of rationality in conceptual change. He seems ultimately to be after a groundwork for historical explanations of the roots of knowledge. He focuses therefore upon its most public manifestations. In this essay, I treat Toulmin's works as constituting a relatively unified system of thought, although there are some instances in which he seems to have modified and clarified some ideas. Thus, the term "field" becomes "Rational Enterprises" in his Human Understanding: The Collective Use and Evolution of Concepts (Princeton: Princeton University Press, 1972), hereafter cited in notes and text as Understanding.

[4] Uses, p. 8.

[5] Ibid., p. 6.

[6] I take this view to be common to the Weltanschauungen perspective, typified by Toulmin and Thomas Kuhn, among others. See Thomas S. Kuhn, The Structure of Scientific Revolutions, 2nd ed., rev & enlarged (Chicago: University of Chicago Press, 1968). See also many of the essays, especially the "Afterward," in Suppe.

[7] Exemplified by Herbert L. Blumer, *Symbolic Interactionism: Perspective and Method* (Englewood Cliffs: Prentice Hall, 1969).

[8] *Uses*, p. 43.

[9] *Ibid.*, pp. 211-214. He notes (p. 211) that "the problems of epistemology, if psychological at all, are pretty clearly not psychological questions of any ordinary sort;" and (p. 212) "the boundary between psychology and logic is open in both directions and psychologists ought to recognize how far rational procedures are human artifacts rather than natural phenomena." This means, I think, that for Toulmin the most interesting questions about argument are not descriptive but comparative: he is interested in which logical systems work best, produce the most acceptable arguments.

[10] *Ibid.*, p. 255.

[11] *Ibid.*, p. 5. Thus, his goal, clearly, is something different than *explaining* the psychological processes of argument (inferences). Thus, he told the SCA "Seminar on Argument as a Way of Knowing" that "I'm not sure that in this whole enterprise I'm in the explaining business at all. . . . I'm not sure that what we have to do is produce explanations. So far as I'm concerned, the job of characterizing what goes on descriptively, in terms that are adequate to the complexity of what has to be described, is a hard enough job in itself without . . . bothering about explanating. I don't know what explanations are called for. For me, it would seem enough if I could get to the stage of being clear, of clearly analyzing what alternative standpoints there could be from which issues might give rise to arguments." (p. 56 of working draft), see David Thomas, ed., *Argument as a Way of Knowing* (Leesburg Pike: SCA, forthcoming).

[12] Gidon Gottlieb, *The Logic of Choice: An Investigation of the Concepts of Rule and Rationality* (New York: Macmillan, 1968); and see also Charles Arthur Willard, "The Logic of Choice," *Journal of the American Forensic Association*, 15 (Fall, 1978), 124-132.

[13] *Uses*, p. 506. This reasoning dovetails with Toulmin's assumption that logic is a human artifact rather than a natural endowment.

[14] *Ibid.*, pp. 14-15.

[15] *Ibid.*, p. 22.

[16] *Ibid.*, pp. 38-39.

[17] *Ibid.*, p. 20.

[18] Bernard N. Meltzer and John W. Petras, "The Chicago and Iowa Schools of Symbolic Interactionism," in Jerome Manis and Bernard N. Meltzer, eds., *Symbolic Interaction*, 2nd ed., (Boston: Allyn and Bacon, 1972), pp. 43-57.

[19] *Ibid.*, p. 54.

[20] *Ibid.*, pp. 56-57.

[21] *Uses*, pp. 7-8.

[22] *Ibid.*, p. 7. [23] *Ibid.*, p. 16. [24] *Ibid.*

[25] Kenneth Culp Davis, *Discretionary Justice* Urbana: University of Illinois Press, 1971), p. 18.

[26] *Ibid.*, p. 25. [27] *Ibid.*, p. 21. [28] *Ibid.*, p. 19.

[29] *Uses*, p. 16. [30] *Ibid.*, p. 29. [31] Ibid.

[32] This is far more common than not. See Richard B. Morris, *Fair Trial* (New York: Harper and Row, 1967); Bernard Botein and Gordon A. Murray, *The Trial of the Future* (New York: Cornerstone, 1965); Whittaker Chambers, *Witness* (New York: Random House, 1952); Gerald Dickler, *Man on Trial* (New York: Doubleday, 1962); David Fellman, *The Defendant's Rights* (New York: Rinehart, 1958); Jerome Frank, *Courts on Trial: Myth and Reality in American Justice* (Princeton: Princeton University Press, 1948); Alger Hiss, *In the Court of Public Opinion* (New York: Knopf, 1957); John Kaplan and Jon R. Waltz, *The Trial of Jack Ruby* (New York: Macmillan, 1965); and three books by William Knustler, *And Justice for All* (Dobbs Ferry: Oceana, 1963); *Beyond a Reasonable Doubt* (New York: Morrow, 1961); and *The Minister and the Choir Singer* (New York: Morrow, 1964). Two classic treatments of the interactions between politics and juridical discretion are Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961) and Arnold Trebach, *The Rationing of Justice* (New Brunswick: Rutgers University Press, 1964). There is wide agreement that occurrences in trials always have roots in the contributory processes, viz., discretionary police decisions, prosecutor choices, political inputs, press coverage, and the like. That trials occur at all is notable--they are always exceptions to the rule and proportionately reflect unusual inputs from various discretionary stages.

[33] Julius Stone, *Legal System and Lawyers' Reasonings* (Stanford: Stanford University Press, 1964), p. 281.

[34] Clarence Darrow, *The Story of My Life* (New York: Scribner's, 1932); Arthur Weinberg, ed., *Attorney for the Damned* (New York: Simon and Schuster, 1952); and two detailed versions of those extralegal appeals: Maureen McKernan, *The Amazing Crime and Trial of Leopold and Loeb* (New York: New American Library, 1957); and the privately printed *The Plea of Clarence Darrow, August 22nd, 23rd, and 25th, 1924, in Defense of Richard Loeb and Nathan Leopold, jr., on Trial for Murder* (Chicago: Ralph Fletcher Seymour, 1924).

[35] *Uses*., pp. 9-10.

[36] Stephen Toulmin, Richard Rieke, and Allan Janik, *An Introduction to Reasoning* (New York: Macmillan, 1979). Interchangable uses of the two terms appear throughout, but see especially pp. 27-29; 34; 49.

[37] *Understanding*, p. 16. [38] *Ibid*., p. 146. [39] *Ibid*., p. 149.

[40] *Ibid*., p. 148. [41] *Ibid*., p. 149.

[42] Dudley Shapere, "Scientific Theories and Their Domains," in Suppe, p. 523.

[43] *Ibid*., p. 526. [44] *Ibid*., p. 527. [45] *Ibid*. [46] *Ibid*., pp. 531-532.

[47] Aaron V. Cicourel, *Method and Measurement in Sociology* (New York: Free Press, 1964).

[48] R. M. MacIver, *Social Causation* (Boston: Ginn, 1942).

[49] Max Weber, *The Theory of Social and Economic Organization*, trans., A. M. Henderson and Talcott Parsons (New York: Free Press, 1947), especially p. 118, for his discussion of co-orientational meanings. Weber stressed but did not elaborate the notion of *Verstehen*--the imaginative reproduction in the observer's mind of the meanings behind any actions being studied. This research posture has lately been held in low esteem by experimentally inclined social scientists, although Weber saw *Verstehen* as a partner with more traditional research methods. Social scientific facts, Weber wrote, had to be confirmed by traditional causal methods *and* at the level of meaning. The two approaches should be co-equal partners in the research enterprise. The more controversial claim for *verstehen* was that, without references to the personal meanings of actions for actors, traditional research was doomed to sterility and irrelevance. The function, scope, strengths and weaknesses of this position have been explored in two essays: Theodore Able, "The Operation Called *Verstehen*," in Herbert Feigel and May Broadbeck, eds., *Readings in the Philosophy of Science* (New York: Appleton-Century-Crofts, 1953), p. 618, focuses on criticisms of the notion; and

Peter Munch, "Empirical Science and Max Weber's Verstehende Soziologie," American Journal of Sociology, 22 (February, 1957), 26-32.

[50] Alfred Schutz, "Concept and Theory Formation in the Social Sciences," Journal of Philosophy, 51 (April, 1954), 266-267. See also his The Problem of Social Reality: Collected Papers, I, ed., Maurice Natanson (The Hague: Martinus Nijhoff, 1962), p. 53: "By the term 'social reality' I wish to be understood the sum total of objects and occurrences within the social cultural world as experienced by the commonsense thinking of men living their daily lives among their fellow-men, connected with them in manifold relations of interaction. It is the world of cultural objects and social institutions into which we are all born, within which we have to find our bearings, and with which we have to come to terms. From the outset, we, the actors on the social scene, experience the world we live in as a world both of nature and of culture, not as a private but as an intersubjective one, that is, as a world common to all of us, either actually given or potentially accessible to everyone; and this involves intercommunication and language." See also Schutz's "On Multiple Realities," Philosophy and Phenomenological Research, 5 (1945), 533-574; and "Common Sense and Scientific Interpretation of Human Action," Philosophy and Phenomenological Research, 14 (1953), 1-37.

[51] Cicourel, p. 14.

[52] Stephen Edelston Toulmin, An Examination of the Place of Reason in Ethics (Cambridge: Cambridge University Press, 1964), p. 29.

[53] Ibid. [54] Ibid., p. 32.

[55] Much of that literature is summarized in Charles Arthur Willard, "A Reformulation of the Concept of Argument: The Constructivist/Interactionist Foundations of a Sociology of Argument," Journal of the American Forensic Association, 14 (Winter, 1978), 121-140.

[56] Reason in Ethics, p. 147. [57] Ibid., p. 39.

[58] Charles Arthur Willard, "The Contributions of Argumentation to Accounts of Moral Judgment: A Constructivist/Interactionist View," paper read at SCA convention, 1978, copies available from author.

[59] Reason in Ethics, p. 225.

[60] Charles Arthur Willard, "On the Utility of Descriptive Diagrams for the Analysis and Criticism of Arguments," *Communication Monographs*, 43 (1976), 308-319; "Argument as Non-Discursive Symbolism," *Journal of the American Forensic Association*, 14 (Spring, 1978), 187-193; "The Epistemic Functions of Argument: Reasoning and Decision-Making from a Constructivist/Interactionist Point of View," *Journal of the American Forensic Association*, 15 (Winter, 1979), 169-191; and "The Epistemic Functions of Argument, Part II," *Journal of the American Forensic Association*, 15 (Spring, 1979), forthcoming.

[61] Severyn Bruyn, *The Human Perspective in Sociology* (Englewood Cliffs: Prentice-Hall, 1966), p. 178. Thus, (xv) "in the knowledge world of the social scientist, particulars can be as important as generalities; realism can be as important to his outlook as idealism; a personal explanation can be as important as an objective explanation. The understanding of such basic differences in man's perception of the world is the basis of the human perspective."

[62] *Ibid*., p. 199. This is supportive of my arguments (see "On the Utility") that documents--especially texts of arguments--cannot stand alone. Even if one brackets the issue of how adequately texts represent the events they report, the *interpretations* of the analyst are the animating force giving meaning to texts. See, for example, David Couzens Hoy, *The Critical Circle: Literature and History in Contemporary Hermeneutics* (Berkeley: University of California Press, 1978); and Hans-Georg Gadamer, *Truth and Method* (New York: Seabury Press, 1975), especially p. 253.

[63] *Ibid*., p. 175 [64] *Ibid*., p. 137.

[65] Ernst Cassirer, *An Essay on Man* (New Haven: Yale University Press, 1944), p. 81.

[66] Quoted in Bruyn, pp. 114-115. See H. P. Rickman, ed., *Meaning in History: W. Dilthey's Thoughts on History and Society* (London: Allen and Unwin, 1961); and H. A. Hodges, *The Philosophy of Wilhelm Dilthey* (London: Routledge and Kegan Paul, 1952).

[67] Hodges, pp. 152-153.

[68] Max Weber, *The Methodology of the Social Sciences*, trans. & eds., Edward Shils and Henry A. Finch (New York: Free Press, 1949), p. 74.

[69] Martin Buber, *I and Thou*, trans., Ronald Smith (New York: Scribner's, 1958); and *Between Man and Man*,

trans., Ronald Smith (Boston: Beacon, 1955).

[70] Bruyn, pp. 97-98. [71] *Ibid.*, p. 122. [72] *Ibid.*, p. 278.

[73] *Ibid.* This is the theme of my "Reformulation," note 55. See also several of the essays in J. Douglas, ed., *Understanding Everyday Life: Toward the Reconstruction of Sociological Knowledge* (Chicago: Aldine, 1970).

# ON FIELDS AND RATIONAL ENTERPRISES:
# A REPLY TO WILLARD

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Charles Willard's critique of "argument fields" is a provocative challenge to current uses of Toulmin's concept. The essay contains a well-structured discussion of the meaning and implications of the field notion. Willard's closing statement on the constructivist position has considerable merit as a crisp, precise summary of his projected reformulation of argument. To clarify my reactions to the essay, I shall deal with several of the concepts central to both Toulmin's "system" and Willard's critique. The complexity of the arguments in Willard's essay makes it difficult to respond in detail to each claim, hence I shall react at a more general level of analysis.

In the early pages of Human Understanding (HU), Stephen Toulmin outlines the argumentative strategy of his proposed trilogy on the evolution and establishment of concepts. As he presents it, the research plan consists of three phases:

> In the first phase of our argument, we shall consider concepts as entering into the conceptual aggregates, systems, or populations that are employed on a collective basis by communities of "concept users." . . . In the second phase of the argument, we shall consider the skills and abilities through which an individual displays his personal grasp of concepts. . . . In the final phase of the argument, we shall return to the underlying issues of judgment and evaluation, and ask explicitly what general account of intellectual authority or rational criticism is consistent with our current picture of concepts and understanding, both communal and individual.[1]

Phase one is dealt with in volume one; phases two and three are the subjects of the remaining volumes in the projected trilogy. I mention Toulmin's "research programme" for a reason: analyses of his contribution need to take account of the evolving character of the study he has undertaken. Given the restricted nature of each phase, criticism should be related only to the tasks set forth; failure to account for phenomena more properly the subject of future work should not be considered sufficient ground for the rejection of current arguments. Phase one, for example, is restricted to a discussion of collective uses, with an analysis of individual uses projected for a later volume. In addition, the linkage between HU and earlier works, such as The Uses of Argument (UA), may be very strong in general terms, but more tenuous as the analysis moves toward precise agreements between specific terms or concepts. We should be wary of forcing parallels too far in specific areas, as the evolving nature of Toulmin's analysis may do much to alter or modify original formulations. As I shall argue, this becomes a problem in evaluating the parallels between field, discipline, and rational enterprise.

Perhaps the best way to characterize my perception of Toulmin's overall approach to the evolution of concepts is to set forth a series of specific propositional assertions and elaborate briefly on them. Although there is a similarity to Willard's general approach, I shall develop my understanding of Toulmin without direct reference to each of Willard's propositions. At the end of the series of statements, I shall summarize major differences with Willard's analysis and illustrate further with direct reference to selected examples.

1. *As employed in UA, the "field" notion is a technical term bearing little, if any, similarity to "disciplines."* The key to the field concept is its analog, "logical types."[2] Toulmin is borrowing implicitly from the philosophical perspective of Gilbert Ryle and others.[3] Logical type is neither a function of arguers nor of disciplines (though there may be parallels in both instances). Instead, a *field* is a function of the objects or ideas named via language: Harry . . . black hair; proofs . . . geometry; Peterson . . . Swede . . . Roman Catholic. The "steps" used in moving from one term to another in an inferential process call on different sorts of logical types, hence belong to different fields. Taken in the context of Ryle's analysis of logical types, the examples are singularly clear; field is nothing more nor less than a neologism for "type." The stability of a field derives from language. Since meaning changes less frequently than do the persons using the language, logical typing is a relatively stable mechanism for analyzing the impact of claims. While the claim that individuals create language is incontestable, the implications of this claim must be kept within their proper sphere of influence. Once created, language usage is neither fixed and invariant nor the sole property of individual whimsy.

2. *Given the technical nature of field noted in #1 above, UA bears greater similarity to the subjects proposed for phases two and three than it does to the content of phase one.* Drawing on the legacy of ordinary language analysis, which has little true relationship to ordinary discourse, Toulmin concentrates attention in UA on an initial question: "How far can justificatory arguments take one and the same form, or involve appeal to one and the same set of standards, in all the different kinds of cases which we have occasion to consider?"[4] In moving from this to other questions, Toulmin examines individual claims that are common to everyday discourse and assesses the standards of evaluation in terms of the "logical type" implications that flow from our designating certain meanings to words. The nature of individual claims and the standards of judgment are, it would appear, the topics proposed for volumes two and three. Thus, parallels drawn between UA and part one of HU may be tenuous at best, inappropriate at worst.

3. *The technical sense of field is abandoned by Toulmin in part one of HU.* There is no reference in HU to the extension of the field concept as elaborated in UA (at least, I've not found one). Since the focus is on *collective* use, there is no need for an analytic method that is singularly appropriate for individual claims. Also, the major connection between field and

discipline, in the technical sense of the former term, would be in the narrowest of disciplines (e.g., the compact discipline of atomic physics). As one moves beyond such arenas of thought, fields proliferate within disciplines as rapidly as they do between them. In fact, HU appears to regard field much as argument theorists have tended to use the term.

Argument theorists have misused field by removing it from its logical type context and applying it more broadly to discipoines or definable subject matters. The impetus for such usage comes, unfortunately, from Toulmin's own looseness with respect to the term field. The field of jurisprudence, as noted in UA,[5] is more difficult to reconcile with his own more limited definition, except in the sense that all matters within jurisprudence are ultimately reducible to the claim on one's judgment: a verdict is sought whether the case is civil or criminal. Nevertheless, the sorts of evidence called upon, which appears to be the critical feature distinguishing field, varies as much within legal arenas as within other arenas of discourse. "Field of inquiry" does equate well with the term "discipline" but the appropriateness of either term to the technical sense developed in UA is highly questionable. Thus, it is not as clear as Willard would suggest, that we can speak equally of jurisprudential fields, ordinary fields, and disciplines. In fact, "ordinary field" misconstrues the technical nature of field, as the term is tied to linguistic events which may or may not be discussed in ordinary contexts.

4. Criteria, while sensitive to their creation by individuals, are granted influence on the basis of communal agreement within a given field. The communal nature of criteria is essential for meaningful discourse in any subject area or community context. Individuals have input into the development and use of standards, and in many cases, disputes may center more on the criteria and their applicability than on the merits of the "idea" being discussed. Through individual efforts, communal standards may change over time. Like other aspects of language usage, they are neither invariable nor the property of personal whimsy. The community standards enable one to judge the divergence between individual approaches and relevant criteria for that particular field. Thus, they act as mechanisms of social control in providing some continuity to standards of judgment over time. Toulmin's perceptive analysis of the role of institutions in effecting evolutionary change in the development of concepts assumes the same communal/individual interaction. The only alternatives to this mode are absolute rule and the anarchy of individual taste and discretion. The thrust of Toulmin's effort, as Willard notes, is to provide a meaningful substitute for these alternatives. Whatever their individual differences, UA and HU are linked in this common effort.

5. "Force showing is not stating."[6] Force is tied to an individual's sensitivity to the manner in which certain terms, such as modals, have an invariant "meaning" across logical types. To employ a particular qualifier, however, is not to make a statement, in Toulmin's sense of the latter term:

> Earlier in this essay, we distinguished between the things which an utterance positively states, and those which are not so much stated by it as implied in it. . . . When the forecasters assert that it will rain tomorrow, what they

> are talking about is tomorrow's weather and not their own beliefs, though no doubt one can safely infer from their utterance that they do have beliefs of a certain kind. Likewise if they say, "It will *probably* rain tomorrow," what they say is something about the weather, and what we can infer about their beliefs is only implied. The view that the function of words like "probably" is to qualify the mode of one's assertions or conclusion is one thing: a proposal that one should analyze the statement "It will probably rain tomorrow" as equivalent to "I am on the whole inclined to expect that it will rain tomorrow" would be something quite different.[7]

Thus, the weatherman's observation about rain makes no statment about his personal beliefs, even though one could imply such beliefs as contained in the statement. Nor is any psychological analysis of the individual or observer of any significance in judging the appropriateness of the statement. As Toulmin notes above, "It will probably rain" may be judged on the grounds or criteria relevant to such determinations, while the phrase "I am inclined....." suggests a quite different type of analysis: the distinction between a "logic" and a "psychologic" analysis is at its clearest in these examples. Psychological questions may have their role or place, but are irrelevant in the evaluation of the claim "It will probably rain," whether made by a weatherman or a farmer. As the context changes, psychological variables may take precedence over those more normally used in such instances. The force of a modal term does not elimnate reference to "meaning" as much as it offers a constant with respect to meaning: "the characteristic function of our particular, practical probability statements is to present *guarded* or *qualified* assertions and conclusions."[8] Once one understands the nature of modal terms, the next task is to use them correctly; one may be *mistaken* with respect to a claim, or even the appropriation of a qualifying term, but so long as one does not indulge in *improper* claims, the error is forgivable.[9] The mistake relates to an error in calculating the effect of the grounds or evidence, or the relationship of the criteria to the claim. Such errors do not, however, alter the nature of either force or criteria: the one remains constant while the other varies as the linguistic field changes. Force locates meaning in a set of circumstances, varying from logical type to type, or from field to field, which justifies the appropriateness of employing a particular constant. To say "I shall probably go "when you know the chances are slight is to misuse the criteria for the employment of the terms, to utter an improper claim, and to mislead those who understand the manner in which probable should be employed in the circumstances in question. "It is the quality of the *evidence* or *argument* at the speaker's disposal which determines what sort of qualifier he is entitled to include in his statements."[10] The terms used to qualify our assertions are sign posts indicating "how far propositions are entitled to our trust or belief." The development of mathematical tools, such as tests of statistical significance, "accordingly leaves the *force* of our probability statements unchanged; its value is that it [mathematical refinement] greatly refines the *standards* to be appealed to."[11] As Toulmin's analysis of Carnap's and Kneale's senses of "empirical probability" illustrates, it is easy to confuse the force of the modal term with the *ground* on which it is premised.[12] Such is the case with tests of statistical significance: they act as ground or criteria for the employment of modal terms; they should not be confused with the force of the modal term itself. The modal terms stand apart from the criteria for their use. Disagreement over criteria may very well occur, and thereby muddle the guidelines within a given arena for the employment of a modal term. Such difficulties do not, in and of themselves, alter the nature of the invariant "meaning" of modal terms.

6. The divorce between epistemology and psychology is not intended to denigrate or downgrade the latter. For Toulmin's purposes in UA and again in HU, the proper realm of inquiry is a de-psychologized epistemology. This does not mean that psychology is any less important; it does mean that epistemological questions, per se, should not be tainted with psychological issues (e.g., Toulmin's example of questions over the innate abilities of persons).[13] Logic is appropriately depsychologized for the simple reason that individual matters of belief are not always relevant to the analysis of grounds for the establishment of claims. "Kennedy will probably run in 1980" may be advanced as a claim on the attention of others--one may ask "how do you know?" without inviting a psychologized response. In a response, the focus is not on my belief per se, but instead on the grounds for my judgment: what evidence is there that suggests that Kennedy may run in 1980? The question can be answered quite apart from any knowledge about my construal processes. The evidence I cite may give some indication of such processes, but that is ancillary data, it is not data that is required in advance of understanding the claim. Removing subjectivism from logic (removing psychologisms) has the dual effect of (1) clarifying the distinction once again between stating and implying and (2) discarding the notion that logical processes, and hence the rules of logic, are carbon-copies of the natural operations of the mind.

With respect to HU, the divorce between psychology and epistemology is equally clear: collective use within rational enterprises also does not seek to denigrate psychology. What it does seek to do is to retain a perspective on the role of psychological issues in the total understanding of the evolution of concepts. The discussion of the institutional arrangements within a discipline, and of the role of personalities (e.g., specific known figures within science or other disciplines) in insuring the publication of "new" or heretical materials is an important dimension of the complete process of evolution.[14] But, it is only one dimension, and its centrality within historical causality is not guaranteed. Divorce is not equivalent to banishment.

7. The juridical analogy of UA and the ecology analogy of HU serve to explain quite different phenomena. The juridical analogy serves to "keep in the centre of the picture the critical function of the reason."[15] The ecological metaphor, on the other hand, promotes the analysis of populational shifts in the introduction and maintenance of concepts. To apply the juridical analogy to the populational analysis of disciplines and their histories misconstrues the nature of Toulmin's intent. In the special case of UA, the juridical analogy points to the relationship between argument and generalized jurisprudence.[16] Jurisprudence operates on more precise foundations than does everyday argument, or at least has recourse to more precise "rules" in the assessment of its practices than does everyday argument. The fact that

new rules or other contemporary practices circumvent the application of argument in legal contexts in precisely the manner explicated by Toulmin does not, by itself, change the general nature of the analogy: argument and legal reasoning both share the same function of arriving at a judgment via a rational process. Although judges may, and do, exercise discretionary power, they do so only with in the context of an established set of precedents or guidelines for behavior. To say otherwise would be to convict judges of practicing shimsy or caprisious judgment, and would reduce the judicial system to anarchy. Neither jurisprudence nor ordinary argument are perfect exemplars of either process as Toulmin identifies them. Nevertheless, the only recourse either lawyers or arguers have is to assess what happens in terms of the standards or criteria that are relevant within a particular domain. In jurisprudential contexts, the judge who roams too far from established norms may be sharply reprimanded, as a judge in Wisconsin recently discovered when he used his discretion in a rape case. In ordinary argument, the person who roams too far is equally subject to the sanctions applicable in the particular community he chooses to argue in.

8. *The task in HU is not to arrange the disciplines in a pyramidal structure*. In fact, it may be necessary to "ignore contemporary attempts to divide off the various epistemic disciplines by academic frontiers with professional checkpoints."[17] The concern is with a two sided question: (1) how did disciplines emerge--what populational shifts occur within them; and (2) how has the organizational or institutional structure affected the evolution of concepts? While it may be conceptually clear to view as pyramidal, there are two important qualifications: (1) the evolutionary sense which Toulmin strives to highlight may be lost in the static vision of top/middle/bottom levels of a hierarchy: (2) the very meaning of hierarchy may imply some sense of superiority on the part of those at the upper levels of the pyramid. Toulmin takes special pains to disavow this last notion by pointing to the compact-less state of the sciences in earlier centuries.[18] He also cautions: "In general, however, to say that any particular enterprise is 'disciplined,' and that its historical development can be analysed in terms of our evolutionary pattern, is not to congratulate it, but is merely to understand its particular rational structure and aim."[19] For these reasons, a continuum is preferable to a pyramid as a conceptual grip or metaphor, as it preserves the sense of evolutionary development and illustrates the relative progress of disciplines across time in terms of a common set of standards. Equally important, the continuum alters the visual perspective of upward/downward and replaces it with the more important and relevant perspective of time. While all rational enterprises are included within the pyramidal vision, the continuum scheme allows us to infer that some may not even be on the line as yet, insofar as their development may match the criteria "only in part."[20] Such would be the case with non-disciplinable activities--which I take to be synonymous with Willard's phrase "ordinary fields."

9. *"Rational enterprises" is not isomorphic with the technical definition of field set forth in UA.* In UA, field is restricted to a linguistic analysis of individual claims; in HU, "rational enterprises are characterized by more than a singular linguistic component. For Toulmin, rationality is tied to procedural change that is not premised on either uniformitarian or revolutionary principles: "it is an *intellectual enterprise* whose 'rationality'

lies in the procedures governing its historical development and evolution."[21] Rationality is concerned with "the conditions on which, and the manner in which [a person] is prepared to criticise and change those doctrines as time goes on."[22] The field notion, as written in UA, may be considered an embryonic form of the larger conceptual frame of "rational enterprises; the modification in field removes it from the logical type analysis and replaces it with a more generalized assessment of the procedural "rules" governing the evolution of concepts:

> Our analysis of the communal aspects of concept-use will accordingly focus on "rational enterprises" and their historical development. It must account, at the same time and in the same terms, for both the continuites and the changes in such enterprises, by treating their intellectual content as forming "conceptual populations." The development of these populations will be characterized-here, as elsewhere-as reflecting a balance between factors of two kinds: innovative factors, responsible for the appearance of variations in the population concerned, and selective ones, which modify it by perpetuating certain favoured variants. And the "rationality" of those enterprises will be vindicated, in turn, by identifying the specific loci within them at which conceptual variants are exposed to critical selection, and appeals to "rational considerations" play an effective part in their development.[23]

The phrase "conceptual populations" emerges within the larger frame of rational enterprises as a better candidate for linkage to "fields." As the ecological analogy is played out in HU, it becomes clear that the prime constituent of historical change, for Toulmin, will be "conceptual populations"--different ideas within disciplines which emerge and are sustained by the discipline. Given the evolving nature of concepts, it would be more appropriate to equate field with discrete populations. This breaks the field notion away from direct comparison with its larger framework of rational enterprise, and gives the development of field dependent standards a much narrower and more precise domain within which to work. Rational enterprises encompasses Toulmin's earlier notion of force and criteria: it may be that the latter term becomes a focal point for the analysis of change from one population to another within the same field. As populations move through time within a discipline, criteria do not necessarily remain static and unchanging; the changing status of criteria or procedures by which choices are made may mark the emergence of differing populations. Thus, there would appear to be closer affinity between "conceptual population" and the technical nature of "field" than between the latter term and rational enterprises.

10. *Neither UA's field notion nor HU's rational enterprise notion achieves an a priori status*. Willard argues that the development of field dependent logics (taken in their broadest sense) become " priori principles functioning within a field analogically to the a priori systems of traditional logicians. Toulmin's idea of a field would make little sense unless they did."[24]

One could argue that Willard is correct, if a priori simply means "before the fact." Criteria must be agreed upon or known; a user must come to them in order to apply them to the argument at hand. Giving this much does not entail surrendering the remainder--that the system functions analogically to the a priori systems of formal logic. In a general sense, this is true; but what is objectionable is the implication that the system is as fixed and invariable as is the a priori system of the logician. This Toulmin would deny. His critique of Kant and Piaget is a case in point. Having reviewed their approaches to the existence of a priori assumptions, Toulmin observes:

> Changes of circumstance thus create occasions for modifying our concepts of causality, even at levels which Kant regarded as immutable and apodeictic. So any attempt to argue that our "everyday framework" of ideas about causation represents a natural functional equilibrium, which will not be upset by any forseeable changes in human life and practical activity faces an almost intolerable burden of proof.[25]

Tolerance for change thus must be a part of the system, and this would apply to the generation of sets of criteria as well as to the potential for change in the population at any given time.

Thus far I have considered several terms which are central to both Touomin's evolutionary thesis and Willard's critique. Field, force, criteria, discipline, and rational enterprise all function to advance the central notions of Toulmin's attempt to understand how concepts become established, maintained, and altered within the "human enterprise." Several differences between Willard's critique and my appraisal should be fairly clear from the preceding series of propositions. Taken in its technical sense, field is not an ambiguous concept--it is one which is readily understandable and "fleshed out" when the accompanying "logical type" analysis is brought into focus. Because field applies solely to the linguistic properities of statements, it makes little sense of speak of "ordinary fields" as a discrete entity. Once "field" is taken in this latter sense, it moves beyond the technical definition and merges into the sense of "discipline" which argument theorists have tended to have in view when employing the concept. Ordinary discourse refers to a community of talk, and exists quite apart from the analysis of particular "fields."

The entire discussion of force and criteria seems misguided, as it plays interesting language games in its attempt to reinstitute psychological analysis into ordinary discourse. As a selected example, consider Willard's treatment of the term "cannot" in relation to the jurisprudential claim "you cannot force a wife to testify." Willard argues that a judge can apply pressure and force a wife to testify in one context: divorce cases. If the wife desires equitable treatment, she may be pressured by the judge's behavior to testify. This can be readily granted without grantint the conclusion that the force of "cannot" is therefore altered. The judge still cannot require that the wife testify, as though she had no choice in the matter. The game is intriguing, but hinges on the difference between a literal "cannot" and a set of circumstances in which real choice appears to be denied. The denial of choice is premised, not on a change in the sense of "cannot," but on subjective appeals which the judge hopes will induce the wife to testify. This action does not alter the literal force of cannot, even though it may play havoc with the person's rights.

Force and criteria, as Willard notes, always reflect at some level the "interpersonal understandings of the legal actors who deal with them."[26] But, so does everything else, so what is the novelty here? In Willard's view, the novelty is that argument is once again dependent on the psychological processes of the arguers. Hence, Toulmin's attempt to de-psychologize argument is a failure, and Willard's claim that "argument can most accurately be described in terms of the psychological processes which produce them," emerges triumphant.[27] All other arguments aside, this seems to be the major thrust of Willard's critique. Has Toulmin denied psychology a role in the assessment of arguments? I think not. As noted before, divorce does not entail banishment, but it may refocus the places in which logical and psychological issues are brought forward. Toulmin eliminates psychological questions from epistemological issues because linguistic statements do not need to be understood in terms of the "innate abilities" of the arguers. Such abilities may be implied in the statements and if focused on would constitute one form of analysis. But the analysis would not be the equivalent of an analysis of the statement, nor would it be conducted for the same reasons.

The issue of psychology and argument can be raised in another manner. A major problem exists in the definition of "ordinary field." Ignoring for the present the other difficulties presented by that phrase, we might ask: what constitutes an "ordinary field?" Is legal talk ordinary, are the arguments of political actors ordinary, is Carter's speech on energy an exemplar of ordinary discourse? Is an understanding of the psychological processes of situated actors essential in assessing argument in these domains? Closer to home, are the papers at this conference ordinary? What information must Willard and I possess about each other, if psychological processes are entailed within ordinary fields, in order to assess our respective claims? These are the kinds of questions which the notion of "ordinary" posses. Its problematic nature can be explored further by taking a slightly different tack.....

Willard discusses the topic of abortion and correctly notes that it employs or draws on a significant number of different "disciplines." In fact, it becomes so complex as to constitute itself as a separate subject matter, hence becomes a field. But how is one to assess arguments within this complex field?? The first problem should be apparent: in naming abortion as a field, Willard passes beyond the technical definition and incorporates a broader, and looser, sense of "field" in his discussion. In the technical domain, each separate claim is analyzeable in terms of the reference area from which it is drawn. But is the discussion about abortion "ordinary?" Are all discussions about abortion "ordinary?" I have attempted to respond to this general issue--when are discussions ordinary--in another paper presented at this conference.[28] In that essay, I suggest that there are three distinct "communities" of argument: philosophical, social, and personal. The attributes of the personal community appear to me to be equivalent to Willard's conception of the ordinary field. Abortion may be disputed in each community, with the processes of rational judgment differing across each community. In the personal community, rationality is not the less present because the application of rational procedures is fragmented. Each dyad may represent a "rational enterprise" and may even be understood in terms of a "populational analysis" analogous to Toulmin's discussion of disciplines. It may even be possible for a dyad to share, with atomic physics, the compactness necessary to fulfill the criteria of a discipline. What separates the two--the dyad and atomic physics--is not the adherence to a set of standards for insuring both stability and change, but instead the fact that they talk about different issues and decide them on different bases. Their processes are similar in terms of adherence to general criteria for all rational enterprises, but that is as far as the parallel can be drawn.

Willard presents another example which appears to be within the domain of ordinary discourse and which functions to further dismantle Toulmin's non-psychological approach to argument. The argument of cost-benefit analysts--styled pragmatists--over the conduct of the Viet Nam war raises significant value laden questions. Willard assess the conflict in terms of field analysis and finds Toulmin's notion inadequate to the task. Insofar as his entire argument regarding ethics, intuition, values, and fields misses the linguistic property of logical typing, he misses the point of Toulmin's UA notion of field. One could, however, cite Toulmin's acknowledgement that, within the context of rational enterprises, the five criteria elaborated on in HU are applicable only in part to such domains as ethics. In doing so, we move from the technical dimension of UA to the larger reference point of HU. The fact that the rational enterprise criteria are not as applicable is not surprising, as it is not meant to be in those contexts where the standards themselves are in such disarray. The negative information gleaned from the inapplicability of the criteria may be just as valuable as more positive applications. Another approach to the same discussion is to acknowledge the problem of field analysis and point to Johnstone's ad hominem or Ryle's reductio ad absurdum arguements as ways of both accepting and denying a position. Here, the purpose is to deal directly with the difficulties inherent in any value laden context such as the ethical dispute about the use of humans to win political objectives through military means. As Ehninger reminds us, there is no argument where the value "fields" are so widely disparate that no common consensus over the argument domain can occur.[29] There may be cases in which one simply cannot argue with other persons.

One final point with respect to the ethical topic raised by Willard: once again he moves the discussion to an assessment of individual minds--reasoning occurs in individual minds, ergo individual minds must be the target of evaluation. This reintroduces psychology and further reduces the effectiveness of Toulmin's claims. On its face, there is nothing extraordinary about the claim that people reason. Nor would Toulmin disagree. Nor would he want to remove from the total process the potential for attending to the personal constructual process of the individual actor. But, as has been noted before, such analysis has its function within a total complex, but is not therefore to be substituted for other analyses in all cases, nor is it to be considered as the most fundamental facet of all critiques. A critique is not necessarily incomplete because it lacks a psychological component. Depending on the community of argument, the personal processess of the on-going interaction.

I agree with much of what Willard has to say about what happens when people argue, but I am interested in specifying in greater detail the contexts in which people argue, and the relevance of differing sorts of analytic models that might be applied to assess their argument. At one level, Willard is correct in asserting that "if fields do differ because their arguments are of different types, they undoubtedly do so by virtue of the common practices and background awarenesses of the actors performing the daily activites central to the field."[30] This appears to me to be a fitting summary for Toulmin's research program, conducted initially on a collective level, and subsequently on an individual level. With communal and individual contributions known, only then can the final discussion of the actual standards of argument be fully and completely known. This does not, however, mean that we cannot learn much just from the early, formative stages of "field" analysis or from an assessment of the criteria applicable to rational enterprises. The propositions do not stand alone--they stand with the collective miliueu against which they are constantly being judged. And the collective standards are just as much a product of individual minds as are more narrowly circumscribed disputes between people. While an ordinary field may require "a social-psychological construct, not all arguments will fall within this category, even though they will be uttered and responded to by "people."

This reply to Willard has dealt with several of the concepts that appear critical to the success of his challenge. To respond more specifically than I have would require a much more detailed and lengthy discussion of Willard's claims and sub-claims. The many questions that he raises are deserving of such extended analysis, as they illuminate some fundamental distincitons between different modes of appraising arguments. Hopefully, this essay has pointed out some of the major difficulties posed by Willard's critique and has presented a general response which a more extended analysis might profitably follow.

# Endnotes

[1] Stephen Toulmin, *Human Understanding: The Colective Use and Evolution of Concepts* (Princeton: Princeton Univ. Press, 1972), p. 12. Cited in text and notes as *HU*.

[2] Stephen Toulmin, *The Uses of Argument* (London: Campbridge Univ. Press, 1958), p. 14. Cited in text and notes as *UA*.

[3] See Gilbert Ryle, "Philosophical Arguments," in Ryle, *Collected Papers* (London: Hutchinson & Co., 1971), II, 194-211.

[4] Toulmin, *UA*, p. 14.

[5] *UA*, pp. 15-17.

[6] Mats Furburg, *Saying and Meaning* (Oxford: Basil Blackwell, 1971), p. 245.

[7] Toulmin, *UA*, p. 85.

[8] *UA*, p. 93.

[9] *UA*, pp. 57-62.

[10] *UA*, p. 90.

[11] *UA*, p. 91.

[12] *UA*, pp. 71-89.

[13] *UA*, p. 9; see Toulmin, *HU*, pp. 1-29.

[14] *HU*, pp. 261-318.

[15] Toulmin, *UA*, p. 8.

[16] Toulmin, *HU*, pp. 139-42, 313-18.

[17] *HU*, p. 6.

[18] *HU*, p. 392.

[19] *HU*, p. 393.

[20] *HU*, p. 395.

[21] *HU*, p. 85.

[22] *HU*, p. 84.

[23] *HU*, p. 134.

[24] Willard, "Some Questions about Toulmin's View of Argument Fields," p. 17.

[25] Toulmin, HU, p. 440.

[26] Willard, p. 15.

[27] Willard, p. 12.

[28] Ray E. McKerrow, "Argument Communities: A Quest for Distinctions."

[29] Douglas Ehninger, "Argument as Method: Its Nature, Its Limitations, and Its Uses," Speech Monographs, 37 (1970), 101-10.

# THE TEXTBOOKS FOR THE BASIC ARGUMENTATION CLASS: AN EXCHANGE WITH THE AUTHORS

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One of the key qualities I look for in a basic textbook in any area of our field is teachability. I hope that I have been able to provide for that quality in Argumentation and Debate as I designed the book as an instrument for the professor to use to facilitate his or her teaching.

One aspect of teachability is flexibility. While there is broad general agreement of what should constitute a course in argumentation I have learned over the years in talking with professors who use my text that there is much diversity in the make up of the class and in the way the course is taught. In some universities argumentation and debate draws primarily from the pre-law students, in other universities it is a required course for all communication majors or for all students following a certain curriculum, or it may be a free elective drawing a broad spectrum of students from philosophy majors to pre-med majors, sometimes it is a combination of all these and there are endless other variations. The able professor adapts the course to the students and brings his or her own insights to supplement and enhance the author's writings. Thus while I have arranged the chapters in an order that I have found to be effective and have provided appropriate cross referencing, the chapters are, to a large extent, free standing and the professor can assign them in a sequence adapted to his or her professional interests and to the needs of the class.

A second aspect of teachability is contemporariness. This of course is the reason my text is now in its fourth edition and why I am presently writing the fifth edition. In certain courses, Classical Rhetoric being an example, one adopts an ancient textbook, e.g. Aristotle's Rhetoric, simply because it is a classic in its field. For the basic course, however, I believe it is desirable to place before the student a blending of the historic background of our field and the emerging research of the present. We are living in the midst of a knowledge explosion. This conference is evidence of that. From the papers presented here we will take home with us new insights, new notions, and new concepts which we will incorporate in our teachings this fall and afterward. In the preface to the fourth edition of my text I mentioned that, among many other sources, I drew on the National Developmental Conference on Forensics in which I had participated just a few months before that edition went to press. I am quite certain that some of the proceedings of this summer conference will find their way into the fifth edition.

As I noted in the preface to the fourth edition, "The simple fact is that in many important ways we no longer analyze arguments, build cases, or conduct debates in the way we did ten or even five years ago."[1] The knowledgeable professor seeks a text that keeps up to date, in so far as it is possible for a textbook to do so, with the emerging knowledge and shifting emphases of our field.

In a course of Advanced Argumentation and Debate, where the basic course and several other courses are prerequisites and where one may be dealing with graduate students, I can readily envision the professor using no textbook but choosing to use a reading list including some of the now classic articles from the earliest editions of The Quarterly Journal of Speech, selected university press publications, the Proceedings of this conference, and current issues of our professional journals. But, of course, this requires a background of a common body of knowledge that one does not find in the basic course, which represents the students' first contact with, their introduction to, the field of argumentation.

This paper is brief, and I anticipate my fellow panelists will make their remarks brief, for I am looking forward, as I am sure they are, to the "Exchange" featured in the title of this program. Authors get, and welcome, feedback from their professional colleagues, but only at relatively rare intervals do we have the pleasure of a conference program specifically structured for this purpose.

## FOOTNOTES

[1] Austin J. Freeley, Argumentation and Debate, 4th edition, (Belmont, Calif., Wadsworth Publishing Co.) 1976, p.v.

# FORENSICS: THE TEXTBOOKS FOR THE BASIC ARGUMENTATION CLASS: AN EXCHANGE WITH THE AUTHORS

Austin J. Freeley, George W. Ziegelmueller, and Malcom O. Sillars, as authors of textbooks for the basic argumentation class, led a general discussion about textbooks and the teaching of a basic argumentation class. Participating in the discussion were Tom McClain, Jean Cornell, Carl Moore, Charles Willard, Bill Balthrop, Pat Ganer, Sara Newell, John Reinard, and Jack Rhodes. Discussion centered primarily on what should be included in the basic text. The most obvious problem, in such a rapidly developing field, is the tendency of the text to lag behind current theory. This problem led to a discussion of the role of theory in the basic text: Should a basic text focus more on application than theory? Should a basic text be written from a single theoretical perspective or attempt to present alternative theories? What is the potential for confusing the beginning student by presenting unresolved theoretical dilemmas and contradictions? Two general weaknesses of basic argumentation texts were suggested: (1) the historical development of argumentation theory has been neglected; and (2) empirical research relevant to argumentation theory tends to be slighted. And finally, the issue of the role of the text in the teaching of argumentation was discussed. Concern was expressed over too much lecturing and not enough student participation. General consensus appeared to be that the instructor needs to avoid the temptation to constantly lecture from the book. Instead, the instructor must have some trust in the students' reading and comprehension. Learning of concepts should be reinforced by "discovery" through participation in argumentation activities.